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NOTICE.—*The first number of Vol. 15 of the Solicitors' Journal, and of Vol. 19 of the Weekly Reporter, will be published Nov. 5.*

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The Solicitors' Journal.

LONDON, OCTOBER 29, 1870.

WHEN THE ALTERED PLAN for the New Law Courts was finally settled, we were all given to understand that the work would at once be pushed forward. Since that time several months have elapsed, during which time the site in Carey Street has been left surrounded by its hoardings, in all its desolation, undisturbed by any workmen. We have not heard whether or no the Government are working underground; they have certainly done nothing above, unless we may except the appearance yesterday of some half-dozen men with a few pieces of timber designed apparently for repairs of the hoarding. Surely Mr. Lowe cannot be preparing another surprise for us when Parliament meets. If not, why does not the work go on?

WE TOOK OCCASION last month (*ante* 885, 897), to notice the question whether it would be a breach of neutrality for this country to allow France or Germany to raise on the London Stock Exchange a loan for the maintenance of the war. We purposely drew attention to this point of international law before the question had actually arisen, as that time was the best fitted for an impartial examination of the law. Since then France has resolved to raise a loan in England, and the *Times* of last Tuesday contained an account of the terms on which the proposed loan was offered on the London Stock Exchange.

We have already stated our opinion that it is not a breach of neutrality for a neutral to allow a belligerent to raise loans within the neutral territory. There are, however, some authorities, although of but little weight, which incline to a contrary opinion; and we shall watch with curiosity to see whether the Prussian Ambassador will claim the exercise of a "benevolent neutrality" with regard to loans as he has already claimed it respecting arms.

ON THURSDAY NEXT the Nisi Prius sittings in Middlesex commence, and the new Juries Act, which comes into operation on the previous day, will be in force. As many practical points under the Act are left to be regulated by rules of court, and none have yet been published; and indeed, cannot well be published until term commences, it would seem at first sight that considerable confusion and inconvenience might result. In fact, however, there is only one point which will require to be provided for, because the principal alterations made by the new Act relate to special jurors, and no special jury cases are taken at the sittings in term. Upon one important point, however, with regard to the jurors who are to serve on Thursday next, a rule of court must be made on Wednesday, or else there will certainly be loud complaints. Under the Act section 22 jurors, when trying common jury cases, are

to be paid ten shillings for every day of their attendance. This is to be paid by the parties to the causes to be tried, who are to deposit such sum as a rule of court may direct for the purpose. Unless some rule is made at all events before the trial of the first cause is concluded, it is difficult to see whence is to come the money for payment of the jurors at the end of their day's attendance. We observe that Mr. Lopes, the Recorder of Exeter, in charging the grand jury at his quarter sessions, made some remarks upon this section, to the effect that it was doubtful whether common jurors are to be paid whether they are called upon the jury or not; because while it is provided that special jurors when summoned for the purpose of trying special jury cases, are to be paid a guinea for every day's attendance; yet, as to common jurors, it is said that the remuneration of a juror when trying common jury cases is to be ten shillings for every day's attendance. Certainly the framers of this section have produced a most infelicitous piece of phraseology. In all probability the reason which inclined them to vary their language when speaking of common jurors was this—that under the previous sections of the Act, special jurors are no longer exempt from being summoned in their regular turn as common jurors; and the intention, of course, was that persons qualified as special jurors, when summoned in their regular turn with other jurors, should receive the same as the others—ten shillings a day; but that when summoned as special jurors, to which they will also be liable, they should receive a guinea. Upon the strict grammar of the section, the pay of the special juror is to be computed at per attendance when summoned, and of the common juror at per attendance when trying, which, taken literally, gives the latter nothing when attending but not trying. If, in construing the section, the Court think they can get over the difficulty by taking "when trying" as equivalent to "when summoned to try," and justifying themselves by presumptions as to the "intention" of the Legislature, perhaps they will do so. Anyhow the section is a gross piece of blundering, and we are very glad that the task of making sense of its nonsense does not fall upon us.

WE HAD OCCASION SOME TIME AGO (*ante* p. 897) to expose the absurdity of an error into which a certain correspondent of the *Times* had fallen, who had satisfied himself, and thought to convince others, that under the new Stamp Act, to come into operation next year, banker's cheques would be liable to an *ad valorem* duty. Another correspondent of the same journal, signing himself "A Conveyancer," has made an equally startling discovery that "the term 'bill of exchange' in the new Act applies only to instruments which entitle or purport to entitle a person to payment by any other person of a sum of money, and therefore does not apply to an ordinary cheque or draft drawn upon a banker by a customer; and there is no other heading in the new Act comprising such a cheque or draft." He adds, "These cheques or drafts will not be subject to any stamp until the oversight to which I have directed attention has been rectified by further legislation.

It can hardly be doubted, we think, that even if the definition of a bill of exchange had been correctly cited by "A Conveyancer," an ordinary cheque drawn by a customer, although in his own favour, would be within it; for such a cheque is an instrument purporting to entitle a person (the customer) to payment by another person (the banker) of a sum of money. But, in fact, the definition is fuller. The term "bill of exchange" includes also *draft*, *order*, *cheque*, and *letter of credit*, and any document or writing (except a bank note) entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money therein mentioned. Thus by the schedule a bill of exchange payable on demand, is liable to a penny stamp, and one not payable on demand to an *ad valorem* stamp.

It is clear, therefore, that an ordinary cheque payable on demand will require, as heretofore, a penny stamp.

RIGHTS IN RUNNING WATER.

The right of a riparian proprietor to take water from the stream for ordinary domestic purposes is unquestioned. He has no property in the water, in the opinion of a writer of no mean authority (Callis on Sewers, p. 78; see 2 Blackst. Comm. p. 18), unless expressly vested in him by statute (*Medway Company v. Earl of Romney*, 9 W. R. 482, 9 C. B. N. S. 575); but his rights with respect to it are legally incident or appurtenant to his possession or ownership of the bank, and cannot therefore be severed from the estate to which they are incident (*Stockport Waterworks Company v. Potter*, 3 H. & C. 300), although Bramwell, B., in *Nuttall v. Bracewell* (L. R. 2 Ex. 1), held that a riparian owner can grant to a non-riparian owner the flow of water from the stream to his premises, for the use of the premises; and that the grantee may sue for a disturbance of his enjoyment by a higher riparian owner (*Stockport Waterworks Company v. Potter*, 3 H. & C. 300); and such rights are capable of being asserted, as being incident to the adjacent soil, where they have not hitherto been exercised (*Sampson v. Hoddinott* (1 C. B. N. S. 590). Running water is *publicius juris* in this sense only, that all may use it who have a right of access to it, and that none can have any property in the water itself (unless conferred on him by statute), except in the particular portion which he has chosen to abstract from the stream and take into his possession, and that during the time of his possession only.

There is a distinction between the ordinary and the extraordinary user of water which must be borne in mind. By the general law applicable to running streams, according to Lord Kingsdown, every riparian owner has a right to what may be called the ordinary use of the water for his domestic purposes and for his cattle, and this without regard to the effect which such use may have, in case of deficiency, upon proprietors lower down the stream. But further, he has a right to the use of it for any purpose, or what may be deemed the extraordinary use of it, provided that he does not thereby interfere with the rights of other people, either above him or below him. Subject to this condition, he may dam up the stream for the purpose of a mill, or divert the water for the purpose of irrigation; but he has no right to interrupt the regular flow of the stream, if he thereby interferes with the lawful use of the water by other proprietors, and inflicts upon them a sensible injury (*Miner v. Gilmour*, 7 W. R. 328, 12 Moo. P. C. 121).

It has been thought that Lord Kingsdown laid down the law somewhat too broadly in the passage printed in italics; his Lordship's view of the law was, however, approved by the Court of Exchequer in *Nuttall v. Bracewell* (*ubi sup.*), and will not now be questioned. In the words of Mr. Kerr (on Injunctions, p. 380), "However small the stream, and however large the supply taken may be, user for cattle or domestic purposes is always reasonable, provided the enjoyment is *bona fide* and is had in the ordinary mode, according to the custom of the country." On the other hand, the user of water for extraordinary, i.e., for manufacturing, purposes, and those which an American author calls artificial, as distinguished from natural purposes (Angell on Watercourses, p. 209), may be unreasonable, where the user of the same quantity of water for ordinary or natural purposes would not be unreasonable. Where an upper proprietor takes the water for ordinary purposes, a proprietor lower down has, as we have already seen, no cause of complaint in case of a deficiency of the water (*Miner v. Gilmour*, *ubi sup.*), it being the right of the upper proprietor to take as much water as he wants for what we have called ordinary purposes. Where, however, the purpose for which he takes the water does not come under the designation of an ordinary purpose, it must be legally subservient to the requirements of the

proprietors lower down, any one of whom has a right of action if the water be diverted so as to inflict upon him a sensible injury. Thus, according to Scotch law a riparian proprietor may take by the means of a pipe as much water as can be used by his family and his cattle, when to take a supply by the same means for the supply of a distillery would be unreasonable, and subject the taker to proceedings at law (2 Hutchinson's Justice of the Peace, p. 391).

The taking of water for purposes of irrigation is a familiar instance of the extraordinary user. According to Parke, B., in *Embrey v. Owen* (6 Ex. 358), it has not been decided in this country that a riparian proprietor enjoys the right to take the water for the purpose of irrigating his land. In America a far more liberal use of water is allowed (Angell on Watercourses, p. 209). *Embrey v. Owen* established the principle that an upper riparian proprietor may lawfully use the stream for all reasonable purposes, while on his land, provided he send it on without material diminution or alteration to the proprietors lower down. The defendant in *Embrey v. Owen* had diverted the water for the purpose of irrigation, and returned it to the stream, diminished only by the necessary effect of absorption and evaporation. The plaintiff, a proprietor lower down, did not succeed in obtaining a verdict in his favour, by reason of his failure to prove that any sensible injury had been sustained; but the Court left the question open, whether the loss of water arising from absorption and evaporation might not be sufficient under certain circumstances to afford ground of action. In *Sampson v. Hoddinott* (1 C. B. N. S. 590), another irrigation case, the Court thought that the mere detention of the water by the defendant's arrangements was actionable, although it did not appear that the quantity of water which ultimately reached the plaintiff—a miller down the river—was sensibly diminished. The question is entirely one of degree in every case where extraordinary user is imputed, and it depends on the particular circumstances of the case whether the user is reasonable. And it must not be forgotten that the maxim *de minimis non curat prætor* is one which often applies to this class of cases—*Embrey v. Owen* for instance.

In the recent case of *The Attorney-General v. The Great Eastern Railway Company* (18 W. R. 1187), the defendants, as it appeared, were the proprietors of a portion of the bank of the River Cam, and they were about to draw a large quantity, not less than 100,000 gallons daily, from the river by the means of hydraulic apparatus for the supply of their engines at the Cambridge station. The conservators of the River Cam, who were the plaintiffs and relators, contended (*inter alia*) that the proposed user of the water was not such as the company, as riparian proprietors, were entitled to as of right. The company had an ingenious argument, that, being entitled as riparian proprietors to the use of the water for ordinary purposes, without regard to the effect on the navigation, as they needed no water for these purposes, they were entitled to take the water instead for the extraordinary purpose for which they did require it. From this view of the law Lord Romilly, as our readers will expect, dissented altogether. The paramount right of riparian proprietors to take water in any quantity for ordinary purposes depends for its existence on those purposes being necessarily limited in their character; and the effect of allowing a substitution of the kind contended for by the railway company might be in many cases to prejudice very seriously the rights of proprietors lower down the stream. Treating, then, the proposed abstraction of the water as an extraordinary purpose, Lord Romilly, considering that the quantity proposed to be taken was excessive and would prove injurious to the navigation, granted the injunction. The question was, as we have seen, one of degree.

The volume of the Cam was such that, in the opinion of the court, the abstraction of 100,000 gallons daily would be a sensible injury to the navigation. Had the river been larger, or the quantity proposed to be taken smaller, the

Court would have probably come to the conclusion that the injury was not appreciable, and that would have made it necessary to decide whether a company has in the absence of legislative authority, the rights of an ordinary riparian owner. Considering that those rights are incident to the estate, we submit that a company has those rights. But there is much to be said on the other side, having regard to the class of cases of which *Bostock v. North Staffordshire Railway Company* (4 W.R. 336), and *Rochdale Canal Company v. Radcliffe* (18 Q.B. 287), are instances, which establish that a company has no existence for any other purposes beyond those for which it has been established, and that whatsoever is done beyond the scope of such purposes is *ultra vires* and void.

JUDICIAL STATISTICS, 1869.

PART II. (Continued.)

In the High Court of Chancery the number of pleas, demurrers, exceptions, motions for decree, causes, special cases, further considerations, and appeals set down during the year was 2,499, and the number for hearing at the commencement of the year was 553, making together 3,052; in 1868 the number of these was 2,926. The number of matters set down during the year shows an increase of 154 above the number in 1868. The total number for hearing in 1869 was greater by 126 than the number in 1868. Of the total number of 3,052 it appears that 2,241 matters were heard during the year, that 281 were otherwise disposed of during the year, and 520 remained at the end of the year. The number heard in 1869 was 78 more than those heard in 1868, and the remainants at the end of the year were less by 33 than in 1868. Besides the 2,241 orders made on the hearing of causes, &c., there were orders made on appeal petitions, petitions and special motions, to the number of 3,920; there were 8,199 orders on summonses, and 523 orders of course drawn up by the registrars. The certificates for sale or transfer of stock at the Accountant-General's, numbered 3,368. In the year 1868, the orders made on appeal petitions, &c., were 73 less, and the orders on summonses and petitions of course 219 less than in 1869; the certificates for sale and transfer of stock were 416 less than in 1869.

During the course of the year the whole of the judges sat 843 days, being 53 less than in 1868. This difference is found in the appeal court only; the days of sitting of the Master of the Rolls and the three Vice-Chancellors were 655 in 1869 and 653 in 1868; but in 1869 the Lord Chancellor sat alone 54 days as against 95 in 1868, and with the Lords Justices 13 days as against 2 in 1868, and the Lords Justices sat 112 days as against 146 in 1868.

The number of orders drawn up by the Registrars in 1869 was 14,036, and the fees collected by stamps amounted to £15,330 6s.; in the previous year the number of orders was 13,684, and the amount of fees was £15,330 7s. In the year 1859, the number of orders was 11,634, and the amount of fees was £12,912 18s.

In the chambers of the Master of the Rolls and the three Vice-Chancellors the number of summonses issued was 26,271, as against 26,191 in 1868. On these summonses 18,439 orders were made, of which 9,678 were drawn up in chambers and the remainder by the Registrars. In the year 1868 the number of orders made at chambers was 60 less than in 1869.

There were brought into chambers for prosecution 68 orders for winding up companies, and 2,164 other orders, making an aggregate of 2,232, and being 96 more than in 1868. The number of debts claimed was 18,417, for the total sum of £3,684,619; in 1868 there were only 11,584 debts claimed, amounting to £6,979,590. Under the orders made for winding up companies the calls made in the year 1869 amounted to £3,817,779, and the amount of dividends ordered to be paid to creditors was £3,583,424; in 1868 the calls made amounted to £8,587,128, and the dividends directed to be paid to

£2,963,537. The orders for winding up companies pending at the end of the year numbered 493, as against 438 in 1868, and 378 in 1867.

The returns made by the clerks of records and writs show that 2,414 bills or informations were filed, 24 special cases, 392 administration summonses, and 514 other originating summonses; making in all 3,344 as against 3,818 in 1868. The total amount of fees paid by stamps in the office of the clerks of records and writs for the different proceedings in suits was £32,796 as against £33,330 in 1868.

The examiners of the court examined 525 witnesses, and the amount of fees received in the office of the examiners was £306; in 1868 the number of witnesses was 534, and the fees amounted to £314.

The number of petitions presented to the Lord Chancellor and the Master of the Rolls was 2,526, as against 2,447 in 1868, and of these petitions 209 were for the winding up of joint stock companies. Besides these there were 21 petitions for orders of course presented to the Lord Chancellor and 4,058 to the Master of the Rolls, as against 19 and 1,433 in the previous year. The amount of fees collected in the office of the principal secretary to the Lord Chancellor was £1,556 in 1869, and £1,531 in 1868. The fees collected in the office of the secretary of the rolls amounted to £2,293 in 1869, and to £2,140 in 1868.

The returns furnished by the taxing masters of the High Court of Chancery show that there were 3,996 references for taxation in 1869 as against 3,887 in 1868, and that under these references 8,173 bills were taxed, and 3,442 certificates of taxation issued as against 7,832 and 3,356 in 1868. Fees received in the office of the taxing masters amounted to £28,555 in 1869, as against £26,510 in 1868. The total amounts of the bills of costs taxed were £941,704, and £872,389 respectively.

In the office of the masters in lunacy there were 86 orders for inquiry executed by the masters, and 192 reports to the Lord Chancellor, as against 76 and 182 in 1868. In the office of the registrar in lunacy there were 161 petitions presented for hearing, and 88 commissions issued, as against 138 and 86 in 1868; there were also 306 other orders made, besides 21 in pursuance of the Lunacy Regulation Act 1862; in 1868 the numbers of these were 294 and 40 respectively.

The returns of the Accountant-General of the Court of Chancery show the amount of cash and securities paid into and out of court in the year 1869, to which we add the amount of the previous year:—Paid into Court in 1869, £17,083,139 13s. 9d., in 1868, £17,045,909 10s. 3d.; paid out of Court in 1869, £16,540,144 0s. 6d., in 1868, £15,732,430 16s.

It appears also that 49,244 cheques were drawn for payment of the sum of cash paid out of court, and that the amount of fees collected by stamps in the office of the Accountant-General was £745.

Under the Courts of Justice Salaries and Funds Act, 1869 (32 & 33 Vict. c. 91), it has ceased to be the duty of the Accountant-General to make a return of the state of the Suitors' Fee Fund, it being wholly withdrawn from his name.

The total amount of the stock and cash in the name of the Accountant-General belonging to the suitors of the court was £63,835,946, standing to 28,948 accounts; in the year 1868 the total amount of stock and cash was £63,352,950, and the number of accounts was 28,399.

Notwithstanding the equitable jurisdiction given to the county courts, and the amount of equity business which might, in consequence, be supposed to be taken away from its former channel, it would appear that the business of the Court of Chancery, which in 1868 suffered a slight decrease, returned in 1869 to its normal condition.

In the Court of Chancery of the County Palatine of Lancashire the number of suits and matters originated was 245, as against 241 in 1868. There were 216 causes,

&c., and further directions heard during the year, and the number of decrees and orders made, including those made by the registrars, was 1,050. The total amount of stock and cash paid or transferred into court was £347,774, and the amount paid or transferred out was £283,401; in 1868 the amounts were £236,075 and £189,505.

In the High Court of Admiralty the number of causes pending at the commencement of the year 1869 was 195, and during the year 424 causes were instituted, making together 619, for sums amounting to £821,485. In 1868 the number of causes was 691, for £742,145. There were 67 more causes commenced in 1868 than in 1869, and this difference is by the registrar of the court attributed to the fact that by the County Courts Jurisdiction Act, 1868, which came into operation on the 1st of February, 1869, and the County Courts Admiralty Jurisdiction Amendment Act, 1869, which came into operation on the 1st of September of that year, the small causes were removed to the county courts. The number of motions heard in court was 111, and in chambers 475, making together 586; in 1868 the motions were 499, consisting of 107 in court, and 392 in chambers. The number of final judgments was 151 in 1869, as against 153 in 1868. Under the head of references to the registrar: assisted by merchants, it appears that the total number of cases heard and reported upon by the registrar was 62 in 1869, and 48 in 1868. The Court sat 135 days. Seeing that the number of motions in 1869 was 586, as against 499 in the previous year, that the judgments were 154 as against 153, and that of these numbers 100 in 1869 as against 95 in 1868 were final judgments after argument in court, and further that the judge sat 135 days as against 122 in 1868, the registrar gives it as his opinion that, notwithstanding the transfer to the county courts of the cases of small amount, the business of the High Court of Admiralty had not decreased in 1869. But, on the other hand, until it be seen how, with the decreased number of causes instituted in 1869, the Court can be burdened with the same amount of business as formerly, it would be unsafe to lay it down as a legitimate conclusion that a decrease in the business of the Admiralty Court is not to be looked for in 1870 or 1871.

By the returns relating to the proceedings in her Majesty's Court for Divorce and Matrimonial Causes, it appears that in 1869 there were 375 petitions filed, being 49 more than in 1868. Besides these there were 17 petitions for protection of property as against 10 in 1868, and 85 petitions for alimony as against 87 in the previous year. There were 894 motions, and 730 summonses as against 648 and 603 respectively in 1868. Judgments numbered 226, of which 2 were by the full court; in 1868 there were only 167 judgments given, 5 of which were by the full court. There were 7 applications for a new trial, 4 petitions to vary settlements, 23 petitions dismissed, 193 decrees *nisi*, 159 decrees absolute, 25 decrees for judicial separation, 3 for restitution of conjugal rights, and 5 for nullity of marriage, all of which numbers are greater than, and several of them twice as numerous as those for 1868. There can be no dispute as to the large and continuous increase of the business of the Divorce Court.

In the Court of Probate the number of probates granted was 9,870, and of administrations 4,804. Of these probates and administrations, 85 were granted on the hearing of causes, 266 on the hearing of motions, and 11 on the hearing of summonses, being in all 74 more than in the previous year. The value of the several estates was sworn under £60,869,055, being £6,072,040 more than in 1868. A statement is also given of the income in respect of the fees levied in the principal registry, by which it appears that the sum taken in stamps and fees amounted to £59,620, as against £56,465 in 1868.

In the forty district registries of the Court of Probate there were 23,366 probates and administrations granted,

as against 21,882 in 1868; the amount of fees received in the district registries was £69,492, and the amount of duty stamps was £625,215; in 1868 the fees amounted to £55,685 and the stamps to £623,763. The value of the several estates was sworn under £39,400,499 as against £39,243,246 in 1868.

The total number of suits in the ecclesiastical courts in 1869 was 38, as against 21 in 1868 and 14 in 1867. Of these cases one was abandoned, two were dismissed, in two there were interlocutory decrees, seven were argued, in one the defendant was suspended, in two defendants were admonished, sequestration for debt was granted in sixteen, two were appealed against, one was compromised, and four were pending. Besides these there were 174 suits for faculties, as against 169 in 1868. The court fees amounted in 1869 to £631 8s. 4d., and in 1868 to £581 9s. 7d.

The returns made by the registrar of the Privy Council show that 187 appeals were entered, that 14 were dismissed for non-prosecution, and that 78 were heard and determined. The number of appeals (lodged since 1st January, 1860), which remained for hearing was 329, being 96 more than in 1868. The number of appeals entered in 1867 was 101, in 1868 103, and in 1869 187, making together 397 in three years, and the arrears at the end of 1869 amounted to the enormous number of 329.

In the House of Lords it appears that 58 petitions of appeal were presented, of which number 10 were withdrawn, and 10 dismissed for non-prosecution. In 1868 the number of appeals was 72, of which 24 were either withdrawn or dismissed for non-prosecution. The total number of causes heard in the session of 1869, including causes standing over for judgment, was 26, as against 38 in the preceding year. The total number of effective causes remaining for hearing at the end of the session of 1869 was 63, as against 38 at the end of the preceding session. It is to be observed that a year's arrear of work still remains for the House of Lords to clear up.

Upon a review of the whole of the foregoing statistics it appears distinctly that the diminution in the business of the several courts which was so prominent in the return for 1868 is not continued in 1869, and that in the Court of Chancery especially there is a considerable increase of business, as well as in the Divorce and Probate Courts. Concurrently with this the business of the county courts in each of their several jurisdictions is largely added to in every year.

LEGISLATION OF THE YEAR.

CAP. XC.—*An Act to regulate the conduct of her Majesty's subjects during the existence of hostilities between foreign States with which her Majesty is at peace.*

The bill for this statute was introduced by the Government late last session, after the commencement of the present war. Its object was stated by Mr. Gladstone to be "to secure the complete and more effectual fulfilment of all obligations that may be considered to attach to us in any contingency under the law of nations with respect to ships departing from our ports." With this object in view the present Act has been passed, and it contains all that is important of the old Foreign Enlistment Act (59 Geo. 3, c. 69), which it repeals, and adds thereto the provisions recommended by the Neutrality Laws Commission, 1868. When the bill was first brought into the House of Commons we noticed it at some length (*ante*, p. 810), and we shall now only summarise its provisions and briefly notice the changes which it has introduced into the law.

Sections 4—7 forbid anyone to accept, or agree to accept, or to induce others to accept, &c., any engagement to serve in the military or naval service of a foreign state at war with a state which is at peace with this country (section 4); or to quit her Majesty's dominions with intent to accept, &c., any such engagement, &c., with any such foreign state (section 5); or to induce persons to quit her Majesty's dominions by misrepresentations in order that such persons may accept, &c., such engagements (section

6); or take on any ship any persons illegally enlisted as therein specified (section 7).

Section 8 is the most important of the Act; by it if any person (1) "builds, or agrees to build, or causes to be built, any ship," or (2) "issues or delivers any commission for any ship," or (3) "equips any ship," or (4) "despatches, or causes, or allows to be despatched any ship" with, in any of these cases, "intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state," he shall be deemed to commit an offence against this Act. This section includes the provisions of section 8 of the old Foreign Enlistment Act, but adds much to their stringency. The material words in the old Act were "equip, furnish, fit out, or arm," with intent, &c., and these words have been held not to include *building* a vessel: *Attorney-General v. Silem* (12 W. R. 257). The new statute also adds the word "despatch," which includes many cases that could not be brought within the former Act. The number of forbidden acts is thus increased, and also by the wording of the section the criminal intent is made more easy of proof. The section contains a proviso for the protection of persons building, &c., ships in pursuance of a contract made before the commencement of the war.

By section 9 vessels in certain cases shall be deemed to have been built in contravention of the statute until the contrary is proved. Adding to the warlike equipment of foreign ships of war is prohibited by section 10. Section 11 forbids the fitting out, &c., of hostile expeditions against a friendly state, and sections 12 and 13 deal with the punishment of offences under the statute. By section 14 if any property is captured within British jurisdiction, in violation of British neutrality, or is captured anywhere during the war by a ship built, equipped, &c., contrary to this statute, the former owner may recover possession of it by means of an application to the Court of Admiralty, if such property should be bought within the limits of British jurisdiction. The first part of the section is unobjectionable, because the property there dealt with would have been wrongfully taken in the beginning. The latter part of the section, however, deals with property rightfully taken, according to the rules of international law, and it might become a serious question whether the rights thus acquired by a captor could be divested by the municipal law of this country. If the captor came within the jurisdiction of this country voluntarily he might possibly be deemed to have submitted himself to the statute; but suppose he was driven with his prize into an English port by stress of weather, and the prize was then claimed under this section? It is not likely that any powerful government would submit to the loss of their prize without, at least, an energetic remonstrance.

Sections 15—29 relate to the procedure for enforcing the provisions of the statute, a matter almost as important as the substantive enactments themselves. Sections 16—18 deal with some details of legal procedure under the statute, such as venue, &c., &c. Sections 19, 20, and 27 require that all proceedings for forfeiture shall be with the sanction of the Secretary of State, and shall be had in the Court of Admiralty, with an appeal to the Privy Council. By section 21 officers of the customs, and naval and military officers, called the "local authority" may seize and detain any ship liable to be seized or detained under the Act. Section 22 specifies the powers and immunities of officers who seize vessels under these provisions. By section 23, if the Secretary of State is satisfied that there is reasonable and probable cause for believing that a ship is being built, &c., or about to be despatched contrary to the Act, he may issue a warrant to the local authority to seize her. The owner of a vessel thus seized may take proceedings in the Court of Admiralty for her release. Without any warrant the local authority may seize a ship, when there is reasonable and probable cause for believing, &c., &c.

The Secretary of State may grant a search warrant to enter dockyards, &c., to inquire about ships, &c. (section 25.) Section 26 defines the chief executive authority who out of Great Britain may exercise the power given to the Secretary of State. Sections 28 and 29 provide for the indemnity of officers for acts done under the statute. Section 30 is a long interpretation clause, and the old Foreign Enlistment Act is repealed by section 31. Foreign commissioned ships are excepted from the Act to a certain extent, and the penalties mentioned in the statute do not extend to persons entering into military services in Asia.

The punishment for offences under the Act is fine and imprisonment for not more than two years, with or without hard labour. This is in addition to the forfeiture of ships, munitions of war, &c., built, &c., or employed, &c., contrary to the statute. The statute is to be cited as "The Foreign Enlistment Act, 1870."

CAP. XCI.—*An Act for the relief of persons admitted to the office of priest or deacon in the Church of England.*

The civil disabilities of those English clergymen who are actively following their sacred calling are not numerous, and, as far as we are aware, are not the subject of complaint on the part of anybody. The clergy may not sit in the House of Commons (41 Geo. 3. c. 63), and they may not be mayors of boroughs or common councillors (56 Will. 4. c. 76), but otherwise they are (apart from the Act of Parliament we are about to comment on) pretty much in the same position as other men are. Trades of every description are open to them without incurring any penalties, and of late years they have, by the liberal arrangements of the Inns of Court, been admitted without objection to the bar. The exclusion from municipal, and more especially from parliamentary life, however, though neither felt nor resented by the working clergy, has long been justly treated as a grievance by a small number of men who have found themselves subject to the disabilities incidental to being in orders, long after they have lost the desire of practising the ordinary duties of their profession. They have chafed against the sort of half citizenship which alone was left them, and have now succeeded in obtaining redress. The statute just passed for their relief can offend no one, whatever his church principles may chance to be. It simply enables a clergyman who desires to do so, to renounce his ecclesiastical privileges, and by way of compensation to resume in their fulness all his civil rights.

The machinery provided is simple and effective. By section 3 it is enacted that the retiring minister may execute a deed of relinquishment in the form prescribed by the second schedule of the Act, may cause the deed to be enrolled in Chancery, and deliver an office copy of the enrolment to his bishop. Six months later the bishop (section 4) shall cause the deed to be "recorded," and thereupon the following consequences shall follow with respect to the person executing the deed:—(a) he shall be incapable of officiating or acting as a minister of the Church, or of holding any preferment therein, and shall cease to enjoy all rights, &c., attached to his office of minister of the Church of England; (b) every licence, office, and place held by him for which it is by law an indispensable qualification that the holder thereof should be a minister of the Church, shall be *ipso facto* void and determined; and (c) he shall be freed from all disabilities, &c., to which he would, by force of any of the enactments mentioned in the first schedule to the Act or of any other law have been subject, and from all jurisdiction, &c., to which he would have been amenable in consequence of his admission to the office of minister. Section 5 provides that the deed shall not be recorded if proceedings of any sort are pending against the person executing the deed; and the remaining sections (6, 7, and 8) contain subsidiary provisions for carrying the Act into effect, which it is not necessary to notice in detail here.

The first schedule of the Act specifies two Acts of Parliament and one section of a third, viz., the 41 Geo. 3. c. 63, the 3 & 4 Vic. c. 86, and the 5 & 6 Will. 4. c. 76, s. 28; and in future these statutes will have no operation *quoad* clergy who comply with the provisions of the new Act. In future, therefore, such clergy will be able to sit in the Commons, when elected, or to enjoy the distinction of being mayors or common councillors. They will, moreover, be relieved from any liabilities under the Church Discipline Act (3 & 4 Vict. c. 86). But it should be noticed that they still remain "in orders." The Legislature has wisely declined to face the storm which might have been raised, had any attempt been made to efface the "orders" themselves.

CAP. XCIII.—*An Act to amend the law relating to the property of married women.*

No reader of this journal is likely to be ignorant of the controversy which has now lasted so many years, respecting the rights of married women to hold property in opposition to the claims of their husbands and those claiming under them. The common law, we need hardly say, considered the husband entitled to all the property, real or personal, of his wife; except that he could not, without her concurrence, dispose of her real estate for any period longer than the duration of the coverture. How this principle has been broken in upon by courts of equity—first, by the system of settlements to separate use, and afterwards by the doctrine of equity to a settlement—is sufficiently well known; and now by this Act married women are secured in the separate enjoyment of their property in, we think, every instance in which it is desirable that they should be so. The points in which the law, as it previously existed, was reasonably open to objection, are two—first, that it was impossible to settle future earnings, and therefore married women in the receipt of wages were left wholly at the mercy of their husbands; and secondly, that the expense of settlements rendered them practically inapplicable to very small properties. Both these objections are removed by the present Act.

By section 1, all future earnings of married women become *ipso facto* their separate property; and by sections 2, 3, 4, and 5, the mere investment of any sum of money, however small, in any one of a number of modes of investment (embracing every method of investment reasonably applicable to sums too small for regular settlement), is made to confer a separate use, while provisos are introduced to prevent this power from being used to defraud the husband; and by section 6 care is taken that the husband's creditors shall not suffer by collusive settlements of what is really the husband's property. No such provision existed in the bill as originally introduced into the Commons, and we pointed out in our remarks upon that bill with what facility extensive frauds might be perpetrated by means of such settlements.

By sections 7 and 8 any real or personal property to which a married woman becomes possessed *ab intestato* is to be to her separate use, as is also any sum of money not exceeding £200 given or left to her by deed or will. This last provision was introduced on the third reading, upon the motion of Lord Romilly, and was intended to meet the case of small sums not worth a regular settlement. The Legislature seems to have assumed that if a settlor or testator desired the object of his bounty to take to her separate use he would say so, and that if he did not so say the law ought not to say so for him, and on this account it was originally proposed to exclude gifts *inter vivos* and legacies altogether from the operation of the Act. Whether they thought that in the case of small gifts the donor would not be so particular in recording his wishes, or whether they merely desired to give an additional boon to the poorer classes of women, on whose behalf the crusade was ostensibly undertaken, we cannot say; but curiously enough, the Act includes in the separate estate exactly that class of gifts which it is the object of

almost every covenant for the settlement of future property to exclude from the settlement.

Section 9 gives a summary tribunal for the settlement of those disputes between husband and wife of which the Act is likely to bear a goodly crop; section 10 enables husband or wife to effect insurances for the wife's benefit, subject to provisions to prevent frauds upon the husband's creditors; and section 11 enables the wife to sue (but, strangely enough, not to be sued) in respect of her separate property.

Thus far the Act is directed to altering the law to the advantage of the married woman; the three next sections are directed to preventing wholly or partially certain injustices naturally arising out of these alterations. Hitherto a husband has always been liable for his wife's debts contracted before marriage, on the ground that having by the marriage acquired all her property, he ought to take it *cum onere*; as this is no longer to be the case, it would be manifestly unjust to continue to saddle him with the burden after having deprived him of the benefit; *cessante ratione legis cessat ipsa lex*; by section 12, the liability for these debts are taken off the husband and put upon the wife's separate estate. The law as to debts contracted after marriage is however unaltered, and a husband may find himself liable to the whole extent of his property for the maintenance of a wife, who may be in possession of ten times the amount of her own, of which she refuses to spend a penny; and he will be actually without remedy, or at all events without any remedy not involving equally serious consequences.

Sections 13 and 14 render a woman, having separate property, liable to maintain her husband (to the extent of keeping him off the parish) and children, but even here the balance is not quite fairly held, for whereas a man is bound to maintain his wife in his own station, the wife, however wealthy, is only bound to maintain her husband *as a pauper*; and instead of imposing on both parents the duty of maintaining their children jointly in proportion to their means, the duty of the wife to do so is expressly made secondary only, the husband remaining primarily liable to the whole maintenance of the family.

The remaining three sections of the Act are formal merely.

We perceive from the third annual report of "The Ladies' Committee" that they are dissatisfied with the Act, and propose to continue their agitation; with a view, as far as we can make out from the report, of obtaining for married women all the advantages, without any of the liabilities, at present belonging to married men.

CAP. XCVII.—*An Act for granting certain stamp duties in lieu of duties of the same kind now payable under various Acts, and consolidating and amending provisions relating thereto.*

CAP. XCVIII.—*An Act for consolidating and amending the law relating to the management of stamp duties.*

CAP. XCIX.—*An Act for the repeal of certain enactments, relating to the Inland Revenue.*

The minutiae of the stamp laws are matters which no lawyer attempts to carry in his memory. It is enough to know the general principles of the machinery, and to be able at any moment to lay your hand upon the details. Every one who has ever had to consider questions of stamp duty knows the inconvenience and uncertainty which arose from having to hunt from one statute to another—and the urgent need of a Consolidating Act. The Chronological Index and Table of Statutes published last year gives 193 Acts as then in force relating to stamp duties, though, of course, many of these statutes dealt only with matters very unlikely to come within the purview of the conveyancer or practising lawyer, and some of them—like the Real Property Amendment Act (8 & 9 Vict., c. 106), which declares that lands shall lie in grant as well as in livery, and subjects deeds of grant to the same stamp as that formerly payable on a lease and re-

lease—are not to be included in the embarrassing intricacy. The third of the Acts at the head of this notice repeals no less than 106 of these old statutes, thus making a clean sweep of the Stamp Duty procedure, &c., Acts, repealing, for instance, all such Acts as the 17 & 18 Vict. c. 83, upon the 16th section of which the now celebrated *Boulton's case* (18 W. R. 351) arose—the old General Stamp Acts, 55 Geo. 3, caps. 184, 185, &c., &c. This being done by Cap. XCIX., Cap. XCVII. enacts in lieu of the abolished, a new series of "consolidated and amended provisions." Anything like a detailed investigation of the provisions thus substituted for the old ones would be inappropriate here, besides requiring an inordinate portion of our space. We may, however, draw attention to one or two points.

By section 6 all stamp duties hereafter imposed are to be paid and denoted according to the regulations in this Act. It is to be hoped that after this provision we shall no longer have the *procedure* meddled with by Inland Revenue Acts passed to alter or impose duties. The old thirty-five shilling deed stamp is reduced to ten shillings (see schedule, and see also section 4).

By section 8, "Except where provision is made to the contrary by this or any other Act, an instrument containing or relating to several distinct matters is to be separately and distinctly charged" with duty for each as for a separate instrument. Under the schedule to the Stamp Act of 1850, the same thing was provided for by separate clauses relating to conveyances and mortgages. By the second part of section 8 an instrument made for any consideration for which it is chargeable with *ad valorem* duty is to be chargeable for any "further or other valuable consideration" as for a separate instrument. This is in lieu of the provision which was so much canvassed *apropos* of *Boulton's case* (*ubi sup.*), and it will be observed that under the new provision the "further or other" consideration is only to entail an additional duty an *ad valorem* duty is already chargeable. This provision also must be read with that of Cap. XLIV. of this year, under which no covenant by a lessee to make substantial improvements, or usual covenant, is to render the lease chargeable on that account as for a further consideration.

Section 9 renews an old provision, by inflicting a penalty for fraudulently suppressing the real consideration affecting the chargeability of an instrument; but the net is spread wider than of yore, and now every person "employed in or concerned about the preparation" of the instrument is placed under liability, so that a barrister or conveyancer might find himself obnoxious to this section if he deliberately planned to evade the duty chargeable for a consideration.

The 60th section embodies the following penalty on unprofessional conveyancers:—

"Every person who (not being a serjeant-at-law, barrister, or a duly certificated attorney, solicitor, proctor, notary public, writer to the signet, agent, procurator, conveyancer, special pleader, or draftsman in equity), either directly or indirectly, for or in expectation of any fee, gain, or reward, draws or prepares any instrument relating to real or personal estate, or any proceedings in law or equity, shall forfeit the sum of £50."

But the section is not to extend to public officers acting in the course of their duty, or to persons employed merely to engross; and secondly, the term "instrument" in the section is not to include wills, agreements under bond only, powers of attorney, or transfers of stock containing no trust or limitation.

This provision seems well contrived so as to hit the unqualified practitioners without interfering with cases of emergency or mere kindly assistance. It seems, however, a strange thing to find in a stamp Act.

Cap. XCIX. deals with a quantity of matters of management rather than procedure, such, for instance, as allowances for spoiled stamps, licences to sell stamps, and penalties on unlicensed dealing.

CAP. CII.—*An Act to amend the law relating to the taking of oaths of allegiance and naturalization.*

Cap. XIV. of this year (the Naturalisation Act, commented on *ante*, p. 888) empowers "one of Her Majesty's principal Secretaries of State" to make regulations on certain matters there enumerated, under which power were made the regulations printed by us, *ante*, p. 943. The present Act extends the subject-matter of regulations to be made under the former Act to certain matters respecting oaths, and imposes a penalty on false declarations made under that Act. We do not see why two Acts are necessary.

CAP. CIV.—*An Act to facilitate compromises and arrangements between creditors and shareholders of joint stock companies in liquidation.*

The bill of this Act was introduced by Mr. H. B. Sheridan, and slipped unawares through the Legislature in the burry at the close of last session. The Act enacts that where any compromise or arrangement shall be proposed between a company in liquidation

"And the creditors of such company, or any class of such creditors, it shall be lawful for the Court in addition to any other of its powers, on the application in a summary way of any creditor or the liquidator, to order that a meeting of such creditors or class of creditors shall be summoned in such manner as the Court shall direct, and if a majority in number representing three-fourths in value of such creditors or class of creditors present either in person or by proxy at such meeting shall agree to any arrangement or compromise, such arrangement or compromise shall, if sanctioned by an order of the Court, be binding on all such creditors or class of creditors, as the case may be, and also on the liquidator and contributories of the said company."

The Court already possessed under sections 159 and 160 of the Companies Act, 1862, powers of confirming schemes and compromises, even though some of the creditors may dissent. See *Re Commercial Bank Corporation of India and the East*, 17 W. R. 840, and *Re Smith, Knight & Co.*, 16 W. R. 1104. The Act, indeed, goes a step further in authorising partial arrangements with a class or section of creditors; otherwise it is hard to see its purport. It does not seem to us a beneficial measure.

RECENT DECISIONS.

EQUITY.

STATUTE OF LIMITATIONS—TRUST.

Burdick v. Garrick, L.C. & L.J.G., 18 W. R. 387, L. R. 5 Ch. 233.

Apropos of the case of *Stone v. Stone* (18 W. R. 225), we recently (*ante*, p. 890) made some remarks upon the Statute of Limitations in its relation to trust matters. As the bar does not extend to claims between trustee and *cestui que trust*, a claimant is frequently tempted to set up a fiduciary relation because, on any other footing, his remedy is barred. It is not enough to say that the claim is, on its original merits, the proper subject of a bill in equity, because that might arise merely from its involving complicated questions of account, without there being any savour whatever of fiduciary relation between the parties.

In the present case a man had originally given to the defendants a power of attorney, empowering them to manage his estate, to receive all moneys on his behalf, and invest as directed. Ten years afterwards his administrator filed a bill for an account, and, of course, the claim would be barred, unless (as the Court held the fact to be), a fiduciary relation took the case out of the statute. The relation of principal and agent or principal and factor is decidedly a fiduciary one, therefore where an agent or factor retains in his own hands the moneys of his principal the latter can bring him to account in the Court of Equity after a claim at common law would be

barred. In *Foley v. Hill* (1 H. L. 35), Lord Cottenham pronounced fully upon that question.

As between a banker and a customer who pays money into his bank, the same judge ruled—and clearly established the point—there is no fiduciary relation.

"Money when paid into a bank ceases altogether to be the money of the principal; it is then the money of the banker, who is bound to return an equivalent by paying a similar sum to that deposited with him, when he is asked for it. . . . He is guilty of no breach of trust in employing it, he is not answerable to the principal if he puts it in jeopardy, if he engages in a hazardous speculation; he is not bound to keep it or deal with it as the property of his principal, but he is of course answerable for the amount, because he has contracted, having received that money, to repay to the principal, when demanded, a sum equivalent to that paid into his hands."

The banker is "not an agent or factor, but he is a debtor" (Lord Cottenham in *Foley v. Hill*, *ubi sup.*)

Lord Justice Giffard lays it down here, very shortly, that "where it is the duty of a person to receive property and hold it for another until called for, he cannot be discharged by lapse of time or by anything, except handing it over to those entitled to receive it." We apprehend that where a banker has a power of attorney from a customer keeping a current account, under which he receives, say, the dividends on stock, his crediting the customer's balance with the amount received would be the "handing it over" here mentioned, and consequently that the fiduciary relation as regards each dividend would terminate on its being credited to the customer.

In *Re Hindmarsh* (9 W. R. 203, 1 Dr. & Sm. 129) Vice-Chancellor Stuart held that "the Statute of Limitations does apply to an action or suit brought by a client against a solicitor for moneys received by the solicitor as agent." This ruling is distinctly overruled by the sentence of Lord Justice Giffard above cited; and the Lord Chancellor observes that that case is referable only to its peculiar circumstances. We do not see how it can be maintained that where a solicitor receives money to his client's use there is no fiduciary relation. Note also that where an agent dies with his principal's money in his possession, the agency being only terminated by the agent's death, the statute could not begin to run before then, and on the principle that there is no course of action till there is some one to sue, would not begin to run till there was a representation to the agent by executor or administrator.

The Vice-Chancellor had charged the defendants five per cent. interest, with half-yearly rests. The Court of Appeal rejected the rests. This case, and those of *Attorney-General v. Alford* (4 De G. M. & G. 843, 3 W. R. 200) and *Mayor of Berwick v. Murray* (7 De G. M. & G. 497, 5 W. R. 208), are the authorities on this matter. Ordinarily the Court charges the defendant five per cent. simple interest, considering either that he has made that or ought to have made it. But where (see Lord Hatherley's judgment) the defendant has employed the money in trade the Court will presume ordinary trading profits, and will direct rests.

SEQUESTRATION DUTY ACT, ss. 20, 42.

Dugdale v. Meadows, V.C.J., 18 W. R. 310; L. R. 9 Eq. 212. The 5th section of the Succession Duty Act (16 & 17 Vict. c. 51) enacts that the extinction of determinable charges shall be deemed to confer successions, and the 15th section provides that where any succession shall have been alienated before the successor shall have become entitled thereto, the duty shall be paid just the same. By section 42 the duty is a first charge on the property, but section 42 contains a proviso affecting settled property; that where settled property shall be subject to a power of sale or exchange exercisable with the consent of the successor, or by the successor with the consent of another person, in such a case the duty shall be charged *substitutively* upon the successor's interest in the property taken in exchange, or the proceeds of sale, as the case may be. The 20th section states the time at

which the duty is to be paid, viz., "at the time when the successor, or any person in his right or on his behalf, shall become entitled in possession to his succession," saving that where there is a prior charge or interest not created by the successor, the duty need not be payable till the determination of such charge or interest, though the duty on a succession in expectancy may always be commuted under section 41.

In *Dugdale v. Meadows* lands were settled, subject to a jointure, with power to the trustees to sell by consent of the tenant for life. A portion having been sold with the tenant for life's consent, the purchaser contended that as succession duty would one day be payable, on the determination of the jointure charge, he was entitled to require that the succession duty should be provided for, either by commutation under section 41, or by setting apart a fund out of the purchase-money.

The Vice-Chancellor held that, under section 20, the purchaser taking his conveyance from the trustees with the consent of, and not from, the successor, was not a person becoming entitled "in his (the successor's) right or on his behalf," while by section 42 the charge of the duty was thrown upon the proceeds of sale. The decision is one to be noted by conveyancers.

STRIPS OF LAND ALONGSIDE OF HIGHWAY.

Turner v. Ringwood Highway Board, V.C.J., 18 W. R. 424, L. R. 9 Eq. 422.

It is a presumption of law that the owner of land adjoining a highway is the owner of the soil of the highway, *usque ad medium filum viae*, subject to the right of the public to use it as a highway, which includes an obligation on such adjoining owner of not obstructing the highway with anything that is a nuisance to passers. It is also a presumption of law that such ownership is in the adjoining owner and not in the lord of the manor (*Steele v. Fricke*, 2 Stark. 468). But it seems that where a highway is made under an Enclosure Act over waste of a manor, the soil remains in the lord, subject to the public way, for that portion only is taken from him for which he receives compensation, and which is allotted to others (*R. v. Edmonton*, 1 Moo. & R. 24; *Poole v. Huskisson*, 11 M. & W. 827).

The right of the public is not confined (in the absence of evidence to the contrary) to the mere *trita via* or metalled road in actual wonted use by carriages. It extends *prima facie* over the whole of the ground between the two fences or hedges (*Reg. v. United Kingdom Telegraph Company*, 10 W. R. 538). Of course if the hedges be extraordinarily wide apart that may favour a presumption that they encompass something more than the highway. Speaking of roads enclosed by Act, Lord Tenterden said, in *R. v. Wright*, 3 B. & Ad. 681, "I am strongly of opinion, when I see a space of fifty or sixty feet, through which a road passes, between enclosures set out under an Act of Parliament, that, unless the contrary be shown, the public are entitled to the whole of that space, although perhaps from economy the whole may not have been kept in repair."

In the present case a highway had been set out under an Enclosure Act in 1811, with fifty feet between the hedges. The actual *via trita* occupied only twenty-five feet in the middle of this, and on the slips by the wayside heath, furze, and even tall fir-trees, had grown. The plaintiff, an adjoining owner, claimed to have a title to the soil, setting up that the dedication to the public was to be considered as having been abandoned as it were, and he prayed an injunction to restrain the highway board from cutting down the trees. But it follows from the law as above stated, that the strips by the road-side are none the less part of the highway because there is no *via trita* over them. The public had, as the Vice-Chancellor remarked, a right to deal with and remove trees as they had to deal with and remove the telegraph posts in *Reg. v. United Kingdom Telegraph Company* (*ubi sup.*), on the ground that their existence there was a nuisance. The bill was therefore dismissed.

In such a case the board would have a right to remove the trees, but the property in the trees would be clearly in the owner of the soil, the adjoining owner, or the lord of the manor, as the case might be. It would seem, therefore, that the highway board in this case had no right to sell the trees as they proposed to do after cutting them; they could only insist on cutting them and the timber would belong to the owner of the soil.

COMMON LAW.

ROYAL PALACE—PRIVILEGE FROM EXECUTION OF LEGAL PROCESS—HAMPTON COURT.

Attorney-General v. Dakin and others, H.L., 18 W. R. 1111.

This case has given rise to a difference of opinion in the House of Lords, as well as in the courts below. The actual point for decision was whether a writ of *fit. fa.* could be executed in Hampton Court Palace. It was not disputed that a palace which is the residence of the sovereign is privileged from the execution of civil process. The only question was whether Hampton Court, which undoubtedly once had this privilege, as it was a royal palace and a royal residence, still possesses the privilege now that the sovereign no longer resides there.

The learned judges who have had to decide this case in the three courts through which it has passed have been nearly equally divided upon this question. If the three courts are taken together it will be found that seven judges have held that process may be legally executed in Hampton Court, while six thought that process could not be legally executed there. The ultimate decision is on the side of the majority. In accordance with the decision of the House of Lords, it is now settled that process may be executed in Hampton Court.

There is very little ground for surprise that there should have been such difference of opinion upon the Bench, as the question was one of fact not of law. All were agreed as to the law of privilege, but on the matter of fact, whether Hampton Court was a royal residence as well as a royal palace, there was much doubt. The sovereign has not in fact resided at Hampton Court since 10 Geo. 2, and there is no doubt, as a matter of common sense, that Her Majesty at present is not likely to take up her abode there. Under these circumstances it seems only reasonable to hold that the palace is not a royal residence, as the sovereign does not reside there now, nor is she likely to reside there. The privilege is one personal to the sovereign and not peculiar to any locality, and as a new palace may be invested with the privilege by the residence of royalty, so may an old palace lose the privilege by the departure of royalty.

The legal result of this case is satisfactory, although it cannot but be regretted that it should have been necessary to go to the enormous expense of an appeal to the House of Lords in order to ascertain whether execution could be levied on the goods of a debtor. It would be curious to know by how much the legal expenses have exceeded the value of the goods which the sheriff endeavoured to seize.

CRIMINAL PLEADING—CHARGE OF AN ASSAULT.

The Queen v. Macpherson, C.P., 18 W. R. 1053.

Questions of pleading are much less frequent in the superior courts now than used formerly to be the case, in consequence of the practice of reading pleadings by the light of common sense, instead of adhering to the fantastic subtleties of the older lawyers. In one branch of law, however—viz., criminal law—it is still the practice to entertain the most frivolous verbal objections to pleadings and to split straws as used to be done with every kind of pleading in former days. According to the old principles of the common law a prisoner accused of a crime was looked upon as one already to be treated as guilty of the crime charged, and who might be convicted under a most iniquitous procedure without being allowed to give evidence himself or (in cases of felony) to

examine witnesses on oath or to have a copy of the indictment; but on the other hand, as a kind of compensation, if there were the slightest flaw in the regularity of the proceedings, even in the spelling of the indictment, the prisoner was allowed to take advantage of it, and the proceedings were thereby vitiated and the prisoner released. A vicious system of procedure introduced a vicious strictness in all matters relating to that procedure, down to the smallest details. There have been considerable improvements of late years in criminal procedure, but the old theory that the pleadings are to be looked at from the prisoner's point of view only, and that any doubt, however far-fetched, is to be decided in his favour, has still much vitality. As long as the procedure was unfair to the prisoner and not calculated to elicit the truth there was some excuse for this, although it always favoured the guilty as much as the innocent. If, however, the procedure is not unfair, there is no reason why every point upon which there is any possible doubt should be given in favour of the accused, or why the interests of justice, which can alone justify even his accusation, should be overlooked. Such is, however, not unfrequently the case.

In *The Queen v. Macpherson* by a rare chance a question of criminal pleading came before the Judicial Committee of the Privy Council. In the colony of New South Wales an information charged the defendant that in an ante-chamber of the Assembly of New South Wales he assaulted and beat the prosecutor, "in contempt of the Assembly, in violation of its dignity, and to the great obstruction of its business."

There was a demurrer to this, on the ground that it charged as an offence a contempt of the Assembly, and that there was no such crime known to the law. The Judicial Committee held that the information sufficiently charged an assault, and, without deciding whether there could be such an offence as a contempt of the Assembly, upheld the information.

It would seem that this point would have been too clear for argument if it had arisen in civil pleadings in precisely the same words. As, however, the pleadings were criminal an attempt was made to give the words a much narrower meaning than they would otherwise have borne. This decision by the highest Court of Appeal will, we hope, have a good effect in inducing inferior courts to apply in the construction of criminal pleadings those common sense rules which have of late been applied to civil pleadings. The old maxim *qui harer in litera harer in cortice*, ought never to be forgotten.

USAGE OF MARKET—CONTRACT BY BROKER—

PRINCIPAL IGNORANT OF USAGE.

Mallett v. Robinson, C.P., 18 W. R. 1160.

The effect of usage upon contracts has been frequently the subject of judicial decision, and there are many reported cases upon the point. There is still, however, much doubt as to some of the principles which allow contracts to be varied by usage. The present case, unfortunately, does but little to remove these doubts, as the Court were equally divided; but the judgments are well worth a careful consideration, as they deal with an important question on the extent to which the character (and not merely the terms or mode of performance) of a contract may be altered by the usage of the market in which the contract is made.

The defendant, a Liverpool merchant, employed the plaintiff, tallow brokers in London, to buy for him fifty tons of tallow. The plaintiffs had also orders from other persons, and the plaintiffs bought in their own names, and without disclosing the name of their principal, a quantity of tallow much in excess of that which the defendant ordered. The plaintiffs then sent a bought note to the defendant representing that they had bought for him, "as brokers," of a principal, the fifty tons as ordered. This bought note corresponded with the contract between the plaintiffs and their

sellers in quality, price, &c., but not in quantity, and there was, of course, no corresponding sold note, as there was no such purchase as that represented in the bought note. The sellers did not deliver the tallow, and the plaintiffs, tallow having fallen in price, paid the sellers the difference. The plaintiffs bought other tallow, and tendered it to the defendant in performance of the terms of the bought note. The plaintiffs in buying the tallow in this way, and in their own names, and in thus settling with their sellers, acted in strict accordance with the usage of the London tallow market. The defendant was not aware of this usage, and on becoming acquainted with the real nature of the transaction, he refused to adopt it or to accept the tallow tendered by the plaintiffs, who then sold the tallow, and commenced the action to recover from the defendant the loss thereby occasioned to them. The question was whether the defendant was liable.

Bovill, C.J., and Montague Smith, J., thought that the plaintiffs were entitled to recover, on the ground that the plaintiffs had duly pursued the usage of the market, and that the defendant was bound thereby. Willes and Keating, J.J., thought that the usage of the market so altered the nature of the order given by the defendant to the plaintiffs, that the defendant was not bound by such usage, and that the plaintiffs ought not to recover.

Bovill, C.J., in delivering the judgment of himself and Montague Smith, J., laid down the general rule as to the effect of the usage of a market, and it seems that the judges agree with the rule so laid down. The difference of opinion arose only as to the application of the rule. He says, "The general rule of law is that persons who engage a broker to transact business for them in a general market, authorise him to do so according to the general and known usages and customs of that market, although they themselves may not be aware of them; and if the business is transacted in the ordinary and usual course, the principals are bound by such usages and customs, whether they had actual knowledge of them or not." Bovill, C.J. and Keating, J., thought that the present case fell within the rule, and that the defendant was bound by what the plaintiffs had done according to the usage. Willes, J., delivered the judgment of himself and Keating, J., and adduced some very weighty arguments to show that the rule does not apply to this case. He does not impugn the accuracy of the rule itself. He thought that the usage did not so much vary the contract as altogether to alter its character, and on that ground he held that the defendant was not affected by the usage. He says, "The plaintiff's authority was to buy as broker for his principal, not to sell to him. If the sale had been consummated in the course insisted upon by the broker the principal would have obtained goods and paid for them, that is, would have bought them. Of whom? Of his own broker, and no one else. That ought not to be without the knowledge and consent of the principal." Willes, J., then notices the rule that an agent employed to buy or sell cannot be himself the buyer or seller without distinct notice to the principal; "a different rule would give the broker an interest against his duty." He continues—"It is also an elementary proposition that a custom of trade may control the mode of performance of a contract, but cannot change its intrinsic character. It may regulate as extrinsic what is done in the market when the contract does not provide otherwise. It cannot overrule what is agreed between the parties, whether intrinsic or extrinsic."

The grounds upon which the judgment of Willes and Keating, J.J., is based are most cogent reasons in favour of holding the defendant not liable in this case. If the view held by Bovill, C.J., and Montague Smith be law, a principal employing a broker to buy would be affected by almost any conceivable usage of the market, no matter how unreasonable or how opposed to the principal's order.

The question whether the usage in this case was or was

not unreasonable, and whether if unreasonable it would bind the defendant, is not directly alluded to in either of the judgments. The judgment of Willes, J., might be read as only deciding the specific point that the usage did not bind the defendant, because it entirely altered the character of the order given by him. Or it might be read as an application of a much wider principle that a person ignorant of the usage of a market cannot be bound thereby if such usage is unreasonable. Willes, J., held that the usage did not bind the defendant, and also in effect that it was unreasonable; but his judgment by no means necessarily decides that no unreasonable usage will bind a principal ignorant of it. This general question was not discussed.

COURTS.

COURT OF BANKRUPTCY. (Before Mr. REGISTRAR BROUHAM.)

Oct. 17.—*Re Claassen.*

Removal of goods by receiver—Rent due but not yet payable.

This was an application by the receiver appointed under a liquidation by arrangement that Mr. C. J. Corbett, of Gracechurch-street might be ordered forthwith to deliver up certain articles of office furniture detained by him.

The debtor had rented offices of Mr. Corbett, in Gracechurch-street. On the 23rd September he filed a petition under the 125th and 126th clauses of the Bankruptcy Act, 1869, and a receiver was appointed by the Court.

The morning of the 29th of September, when there was one-quarter's rent due, a person called at the offices on behalf of the receiver, and commenced moving the furniture away. He had taken part of the furniture from the offices on the third floor of the building down to the basement when he was stopped by the landlord, who refused to allow the goods to be taken away until his one-quarter's rent due that day was paid, and the articles which had already been removed by the receiver to the basement were taken possession of again by the landlord, and locked up in another room. The receiver now applied that these articles should be delivered up to him.

Mr. Joel Emanuel, for the receiver, in support of the application, referred to rules 260 and 264, vesting the estate in the receiver, and to *Ex parte Russell*, 18 W. R. 753, showing the Court had power to restrain a distress for rent if improperly made. The distress was illegal on three grounds—Firstly, the rent being payable on the 29th of September, the tenant had the whole of that day to pay it, and the landlord's power of distress would only take effect on the following day. Secondly, the goods being removed off the demised premises to the basement, the landlord could not restrain them. Thirdly, the landlord had never actually distrained, but had simply taken possession of the goods. On the 29th of September he had no power to take the goods, and could not avail himself of his wrongful act to retain the goods now. It was the duty of the receiver or trustee to investigate the claim for rent, and if correct, the landlord would be paid by him in due course.

Bayley, for Mr. Corbett, argued that the landlord had a power to follow the goods for his rent, if improperly and fraudulently removed. The value of the goods taken was very small. The person calling to take away the goods produced no authority, and the landlord was justified in preventing their removal until such person's right had been investigated by him.

Mr. REGISTRAR BROUHAM.—The landlord had no power to detain the goods on the 29th of September, although, if the goods had been removed when the rent was due, the landlord might have followed them for his rent; the value of the goods made no difference, the principle applied in the same way. The person calling to take the goods ought to have produced his authority from the receiver at the time. He must make an order for the goods to be forthwith delivered up to the receiver, but under the circumstances of the case, he would not direct the landlord to pay the costs of the application.

Oct. 25.—*Re Sumpter and Shrimpton.*
Liquidation under sections 125, 126—Dissolution of injunction against proceedings in bankruptcy.

The debtors were blacking manufacturers, trading in copartnership under the style of Warren, Russell, & Co.

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They recently presented a petition for liquidation under sections 125 and 126, and an injunction was thereupon obtained restraining further proceedings in bankruptcy by a creditor named Pollard. It appeared that Mr. Pollard made the demand for payment of his debt on the 6th of October; on the 12th he took out a debtor's summons with a view to bankruptcy, and the same was duly served. On the 14th inst. the petition for liquidation was filed.

Doria, now applied for the continuance of the injunction granted under the petition.

Reed, for Mr. Pollard, contended that no sufficient reason existed to induce the Court to interfere with the common law right of creditors. The proceedings commenced by Mr. Pollard had priority to those instituted by the debtors under their petition for liquidation; and it was the practice of the Court to give the preference to a creditor's petition. The proceedings in each case had for their common object the administration of the estate, and there was no evidence to show that the creditors were in favour of the petition for liquidation. The Court also had ample jurisdiction to entertain any proposal for a settlement by means of arrangement or composition after an adjudication; and, under the circumstances, he submitted that there was no ground for continuing the injunction. He cited *Ex parte Dimond, Re Williams*, 18 W. R. 1123.

Doria, in reply, urged the Court to continue the injunction, at least until after the day appointed for the first meeting of creditors, as the debtors then intended to make a proposal.

Mr. REGISTRAR BROUGHAM said that the creditors would have an opportunity of expressing their views at the meeting, and of determining whether the estate should be wound up under liquidation before the petition for adjudication came on for hearing. But, acting upon the decision in *Ex parte Dimond, Re Williams*, he should dissolve the injunction, with costs.

COUNTY COURTS. CITY OF LONDON.

(Before J. ANDERSON, Q.C., Deputy Judge.)

Oct. 12.—*Ambler v. Bullen.*

Liability of plaintiff's attorney for sheriff's officers' fees—Effect of an interpleader issue.

In this case the plaintiff, a sheriff's officer, sued Mr. Bullen, a London attorney, for fees accrued in the execution of a writ of *capias*, issued by the defendant in his capacity as attorney for a plaintiff in another action. There was no special authority to the officer, but the ordinary direction indorsed on the writ.

The question was whether the plaintiff in the original action, or his attorney, was liable to Ambler for these fees.

Mr. A. B. Carpenter, for the plaintiff, contended that, under the authority of *Brewer v. Jones* (10 Ex. 655), *Maill v. Mann* (2 Ex. 608), and other cases, the attorney who issues an execution, either *a. fa.* or *ca. sa.*, is liable to the officer for his fees in executing it, even though no special agreement had been made between them. He also referred to *Wallbank v. Quartermain* (3 C. B. 94), where Tindal, C.J., held that the attorney who engages the service of the officer, and not the client, is the party liable for the fees usually allowed on taxation for the issue of process.

Mr. Bullen in person submitted that there was no privity between the plaintiff and himself, and that, in all such cases as this, the sheriff, or his officer, must look to the plaintiff in the action, and not to the attorney, for his fees. He cited *Seal v. Hudson* (4 D. & L. 760), where it was held that evidence of usage, that the sheriff's officer always looks to the attorney, and not to the plaintiff in the action, could not be admitted.

Mr. ANDERSON was of opinion that the case of *Seal v. Hudson* had been overruled by the authorities cited by the plaintiff's attorney, and that if the sheriff's officer obeyed the Queen's writ, he was entitled to look to the attorney who issued it for payment of his fees, and, in default, might bring an action for their recovery.

Judgment for the plaintiff.

Oct. 12 and 13.—*Ambler v. Philp.*

In this case the same plaintiff sued Mr. Philp, also a London attorney for fees on the execution of a *a. fa.*

It appeared that the plaintiff had seized goods at the defendant's residence, and also at the place of business of the firm in which he was a partner, but had not realised any

money under the execution, having been ordered to withdraw by a judge of one of the superior courts, on an interpleader summons. The judge's order was not in evidence, but the existence of the order to withdraw was admitted.

Mr. A. B. Carpenter, for the plaintiff, contended that Mr. Philp was liable, although the officer had not realised anything under the writ, and that as the order was not in evidence, it was not to be presumed that the interpleader summons was decided on the merits, on the contrary it was not unusual for a plaintiff to consent to an order to withdraw rather than incur the expense of trying an issue, and that the fact of an order having been made for the sheriff to withdraw was no proof that the goods seized were not the goods of the defendant.

Mr. Hall, for the defendant, argued that as the officer had been advised to withdraw, and there was nothing realised by the sheriff, the officer was not entitled to any fees, and that it must be assumed that he had seized goods which were not the defendant's.

Judgment was given on the 13th inst., as follows:—

Mr. ANDERSON.—The question is whether the attorney who issues a writ of *scire facias* is liable to the sheriff's officer for his fees. I decided yesterday in *Bullen's case* that he was liable on the execution of a *capias*, and I can see no distinction between that case and the present (assuming, of course, that the officer has made a proper seizure). By the indorsement on the writ, the defendant was described as residing at Sutton Heath, and a partner in a firm at Liverpool, and I am of opinion that the officer was right in levying at both places, and he has shown that he was necessarily in possession, the number of days for which he has charged what is called "possession money." The holder of a bill of sale claimed the household goods at Sutton Heath, and the defendant's partner in Liverpool claimed the partnership goods. On these two claims the sheriff interpleaded, and it may be that the result of an issue would have shown that the alleged bill of sale could not have been upheld, either for absence of consideration, or want of registration, or otherwise. As to the seizure of the partnership goods at Liverpool, the authorities show that they were liable to seizure, and, but for the interpleader order, might have been sold—that is, the defendant's interest in an undivided moiety, although probably few persons would have bought such an interest. I am therefore of opinion that the plaintiff Ambler obeyed the Queen's writ, and is entitled to recover from Mr. Philp the statutory fees. It may be a hardship on an attorney in cases where his client cannot repay him, but it would be unfair to an officer who has done what he was directed and bound to do if he could not recover from the attorney who issued the writ, and upon whose instructions he was bound to act. There must be a verdict for the plaintiff for £9 3s. and costs. The expenses of the plaintiff's journey from Liverpool will be apportioned.

Judgment for the plaintiff.

BIRKENHEAD.

(Before Serjeant WHEELER.)

Oct. 14.—*In re Quiggin:*
Act of bankruptcy—Debtor absenting himself from place of business.

The alleged bankrupt was a boot and shoe dealer in Chester-street, Birkenhead, and the question at issue was the validity of an adjudication of bankruptcy which had been made *ex parte*.

Mr. Downham, on behalf of the alleged bankrupt, now appeared, on notice of motion, asking the Court to annul the bankruptcy on the grounds that there was no sufficient debt due, and that no act of bankruptcy had been committed.

Mr. Cotton, for the petitioning creditors, took exception to the jurisdiction of the Court. He contended that where an adjudication had taken place the Court was *functus officio*, quid the adjudication, and the order of adjudication could only be annulled by appealing to the Court in London. Were it otherwise, the Court would be in the anomalous position of being called upon to rehear a case *toties quoties* as any fresh evidence turned up. Moreover, where it had solemnly adjudicated a man bankrupt in accordance, as it believed, with the law and the information it possessed at the time, and that adjudication had been made public by advertisement in the *Gazette*, with all its attendant injuries to the debtor's credit, a grave question would arise how far, where it afterwards chose to ignore its own act and pronounce

it illegal, it would be liable for damages. The new Act differed from previous ones, and conferred no jurisdiction to hear a disputed adjudication, but only a disputed petition, and for obvious reasons, as, the moment an adjudication took place and was advertised, all the mischief which attended bankruptcy had been effected, and it was only the Court of Appeal which could set the matter right.

Mr. Downham, in reply, submitted that it was the inherent right of every Court to review its own decisions.

Serjt. WHEELER, said he had some doubts upon the point, but having regard to section 71, which provided for the Court reviewing, rescinding, or varying its own orders, and to the fact that this adjudication had been made on *ex parte* evidence, he should overrule the objection. He could conceive no greater injustice to a debtor than under such circumstances to deny him the right of being heard; and, further, he did not think a Court of appeal should be invoked for the purpose of varying the decision of an inferior Court where that Court had not had the opportunity of hearing both parties.

Mr. Downham thereupon called the bankrupt to disprove the act of bankruptcy. He deposed that he closed his shop on the evening of the 19th September, and left Birkenhead to go to his wife's lodgings in Liverpool, where he arrived at six o'clock on the following morning. He left there at ten o'clock, and, missing the bus, and feeling very ill, he went to his father's, where he remained for ten days. He was ill during that period, but not confined to the house. He did not go to his shop, but on the 21st September sent over to Birkenhead to see if his wife was in the shop, and was informed by his messenger that his wife was there. He owed at the time about £400, and had something like that amount in assets. There were bills running at the time, and some were overdue.—The wife was then called, and stated that she left her husband with his consent on the 1st September, on the understanding that they were to live apart. She took with her a portion of the furniture. Her husband came to see her pretty regularly, but on the 19th September he did not call: On the morning of the 20th he came at six o'clock, and left at ten to go to business: On the 20th September she went to Birkenhead to see her husband, and found the shop closed. She also went on the 21st September, and, with keys she obtained from a friend, effected an entrance into the shop. She opened the shop, and was applied to by a creditor on that day for payment of a bill which her husband knew to be due; but being without sufficient means, the creditor went unpaid. Her husband had left no instructions for her to carry on the business.—The petitioning creditor was then called, and deposed that the debt due to him was secured by the acceptance of Mr. Quiggin, the alleged bankrupt, which acceptance was not due.

Upon that evidence Mr. Downham contended—first, that the debt was insufficient; and second, that there had been no act of bankruptcy. With respect to the debt, he submitted that, according to the 6th section of the Act, the debt must be a sum due at law or in equity, and that at law the petitioning creditor could not have recovered till the bill was due. Section 7 provided that for the purpose of issuing a debtor's summons a debt sufficient to support a petition was requisite, and that such a debt only as could be recovered at law would be sufficient to support a summons. Under the former Bankruptcy Acts it was expressly provided that a debt, although not payable at the time of the act of bankruptcy, became due on the committal of the act of bankruptcy, and, as there was no provision of a like effect in the new Act, it must be inferred that it was intentionally omitted by the Legislature. As to the act of bankruptcy, he urged that it was requisite for the petitioning creditor to show that the alleged bankrupt absented himself with intent to defraud his creditors, and here he had failed, as no sane person could conclude that a man able to pay 20s. in the pound, who went on the spree for ten days, so went with an intent to avoid and delay his creditors.

Mr. Cotton, in reply, contended that the debt of the creditor was due, although not payable, and that the taking of a bill was a mere agreement not to demand payment for a time; but the moment the debtor committed an act of bankruptcy, and thereby placed it beyond his reach to fulfil his part of the agreement, the right of the creditor to immediate payment revived, and therefore in equity it was clearly payable. He referred to the 77th rule, which expressly provided that a debt payable when a debtor committed an act of bankruptcy was proveable in bankruptcy;

and, therefore, if proveable in bankruptcy, it was equally so, after an act of bankruptcy, for the purpose of supporting a petition. On the question of the act of bankruptcy, he submitted that a trader who absented himself from his place of business and left no provision for the payment of his debts, nor any information as to where he could be found, thereby committed an act of bankruptcy. The intent at the time of absenting himself must be gathered from the consequences; and so long as it was shown that creditors had been delayed, the law assumed that he must have foreseen the consequences of his own act.

Serjt. WHEELER, said he felt the force of Mr. Downham's argument with respect to the debt, and had grave doubts upon the point; but as he had formed his opinion upon the other part of the case it was unnecessary that it should be then decided. With respect to the act of bankruptcy, the whole question turned upon the intent of the alleged bankrupt when he absented himself, and he had, after a careful consideration of the evidence, arrived at the conclusion that the petitioning creditor, upon whom the onus of proof lay, had not shown that there was the intent on the part of the bankrupt, in absenting himself, to delay or avoid his creditors. The adjudication would consequently be annulled.

Mr. Cotton, on behalf of the petitioning creditor and the receiver, gave notice of appeal.

APPOINTMENTS.

Mr. GEORGE WOODYATT HASTINGS, barrister-at-law, of the Oxford Circuit, has been appointed by the Lord Chancellor on the recommendation of the Lord-Lieutenant of Worcestershire, to be a magistrate for that county. Mr. Hastings is the son of the late Sir Charles Hastings, M.D., an eminent physician of Worcester, by Hannah, eldest daughter of George Woodyatt, Esq., M.D., of Worcester. Mr. Hastings was educated at Christ's College, Cambridge, and was called to the bar at the Middle Temple in May, 1850. He has latterly been an active member of the Social Science Association, and has taken an energetic part in conducting the Jurisprudence section. He has recently come forward as a candidate for a seat at the London school board, about to be formed under the new Education Act.

Mr. JAMES OLLIFF GRIFFITS, barrister-at-law, of the Oxford Circuit, has been appointed Recorder of Reading, in the place of Mr. H. T. J. Macnamara. Mr. Griffits was called to the bar at the Middle Temple in June, 1848, and is a member of the Oxford Circuit, also attending the Berkshire sessions.

Mr. JOHN WILLIAMS MATTHEW, solicitor, of Plymouth, (firm of Rooker, Matthews, & Shelly) has been appointed by the Registrar-General to be Superintendent-Registrar of Births, Marriages, and Deaths for the Plymouth district, in succession to the late Mr. Pridham. Mr. Matthews was certified in 1853, and has for several years past been Clerk to the Plymouth Court of Guardians.

GENERAL CORRESPONDENCE.

NEW BANKRUPTCY LAW: COMPOSITION—THE DEBTORS' SUMMONS.

Sir,—The most important improvements of the new Act are generally considered to be the increased facilities given to us to decide for ourselves as a body without legal interference, and the large powers vested in the Court of Bankruptcy to decide all questions between debtor and creditor and all parties affected without the necessity of resorting to any other Court. The case *Re Thompson*, before a registrar, sitting as Chief Judge, on the 21st inst., seriously limits these advantages, having decided that after the statutory majority has passed the required resolution accepting a composition, a dissentient creditor who may sue the debtor cannot be restrained by injunction under section 13, and that the debtor must now, as under the old law, defend such action and plead the creditors' resolution as a discharge. With much respect for the registrar I venture to doubt this ruling. The 12th section of the Bankruptcy Act, 1869, expressly says that no creditor for a "debt proveable in bankruptcy shall have any remedy against the property or person of the debtor in respect of such debt, except in manner directed by this Act." And section 13 enables the Court to restrain all suits, &c.

against the bankrupt or arranging debtor in its discretion, and section 126 declares that agreements for composition shall be binding on all creditors.

The debtor in this case appears to have waited until after judgment before obtaining the interim injunction, but the decision appears against any injunction at all, and would equally apply to liquidation under trustees.

This ruling in the present state of the London Bankruptcy Court, being technically the Chief Judge's order, can only be appealed to the Lords Justices. Should the same case arise in a county court the suitor will have the advantage of an appeal hearing before Vice-Chancellor Bacon.

Debtors Summons:—The costs of this process has been much canvassed lately by several correspondents in the *Times* and also noticed by yourself. Inasmuch as this summons is practically a substitute for the writ, with the very material advantage to the debtor that it can only be served after a formal written demand and at least one other previous application for payment, there is surely no hardship in the debtor having to pay his creditor's costs rendered necessary by his neglect of such demand. I differ from the registrar's ruling against costs, on the ground that the present summons is similar to the old trader debtor summons, and although section 85 of the Bankruptcy Consolidation Act, 1849, which awarded costs, is not re-enacted in terms, still the powers of the present Act permit of costs being given to the creditor paid before the hearing, and costs are in fact set out in the schedule to the rules. If this is not so, most creditors will commence with a writ, and although payment before petition may stay bankruptcy it has been long decided not to affect the costs at law; and the Bankruptcy Court would not, I think, be disposed to exercise its power of injunction (if practicable) in such a case.

G. MANLEY WETHERFIELD.

1, Gresham-buildings, Oct. 1.

OBITUARY.

MR. T. RUST.

Mr. Thomas Rust, barrister-at-law, died at Great Dunmow, Essex, on the 21st of October, in the 53rd year of his age. Mr. Rust was called to the bar at the Middle Temple in June, 1849, and practised at the bar in Ceylon. He was formerly for some years an unofficial member of the Legislative Council of that colony.

MR. H. KING.

Mr. Henry King, barrister-at-law, of Haslingden, Lancashire, died very suddenly at his residence at Oakley, near that place, on the 21st of October. Mr. King was formerly a solicitor and conveyancer at Haslingden, and for some years was clerk to the guardians and superintendent registrar of the Haslingden Union. He afterwards entered at the Inner Temple, and was called to the bar in 1849. The correspondent of the *Bury Guardian*, in reporting his death, says:—"Though he had not for a long time, on account of ill-health, followed his profession as a conveyancer, his name will not be lost in the memories of those members of the legal profession who practise in the Forest of Rosedale. His knowledge of the law of real property was profound, and as a conveyancer he was, when practising in the district, admitted to be unequalled." Mr. King expired in his arm-chair, while engaged in reading.

MR. A. V. KIRWAN.

Mr. Andrew Valentine Kirwan, barrister-at-law, died on the 22nd of October, at Claverton street, Pimlico, in the sixty-seventh year of his age. He was called to the bar in Ireland in 1825, and afterwards studied at Gray's-inn, by which society he was called to the bar in 1828. He practised for many years on the Oxford Circuit and sessions, but retired a few years ago from professional duties.

MR. W. BRIDGER.

Mr. William Bridger, solicitor, of Guildford, Surrey, died at Stoke, near that town, on the 15th of October, at the age of thirty-eight years. Mr. Bridger was admitted in 1854, and had for some years been Registrar of the Godalming County Court, and Deputy Coroner for the county of Surrey. In early life Mr. Bridger travelled much, visiting Australia and other countries. During his travels he formed a very large collection of birds' eggs, which ranks among

the best known collections of this kind. He was a fellow of the Royal Zoological Society, and had an extensive knowledge of natural history.

SOCIETIES AND INSTITUTIONS.

LAW STUDENTS' DEBATING SOCIETY.

At the meeting of this society held on Tuesday last, Mr. Austin in the chair, the question for discussion was No. 458 Legal:—

C. drew and endorsed a bill of exchange for B.'s accommodation. The bill was discounted by A., with whom B. deposited certain securities, it having been verbally agreed between all parties that, in case B. should not pay the bill at maturity, A. should first realise the securities, and apply the proceeds in payment of the bill before suing C. The bill was dishonoured by B.; whereupon A. commenced an action against C., without realising the securities in the first instance. Is the verbal agreement a good defence to the action?

Abrey v. Crux, L. R. 5 C. P. 37, 18 W. R. 63; *Young v. Austen*, L. R. 4 C. P. 553, 17 W. R. 706; *Pike v. Street*, 1 M. & M. 226.

Mr. Warmington opened the debate in the affirmative, and Mr. J. J. Amos in the negative, and the society ultimately decided the question in the negative.

The secretary being about to leave London, tendered his resignation.

Candidates for the vacant office must send in their names to the late secretary on or before the 1st of November next.

The election will take place on the 8th of November.

[See 13 S. J. 1002; and see *ante* p. 277.—Ed. S. J.]

LIVERPOOL LAW STUDENTS' DEBATING SOCIETY.

A meeting of this society was held on the 21st at the Law Library, Liverpool. The chair was occupied by Mr. John H. Kenion. The subject for discussion was, "Is the change in the Bankruptcy Act beneficial, and is the present law capable of amendment?" After a lengthened discussion the affirmative was unanimously carried.

THE CORONERSHIP OF SALISBURY.—Dr. Young, a surgeon of Salisbury, has been elected coroner for that city, in the room of Mr. R. M. Wilson, solicitor, resigned. A son of Mr. Wilson was proposed, but Dr. Young was eventually elected by the casting vote of the mayor in his favour.

EASTHAMPTON UNION.—Mr. Charles James Cave, son of the late Mr. Charles Cave, solicitor, of Bracknell, Berkshire, has been appointed clerk to the Board of Guardians of the Easthampton Union, which office was held by his father for a period of forty years. Mr. C. J. Cave has also been appointed clerk to the Assessment Committee of the Board, and superintendent Registrar of the district.

THE LATE LORD AVONMORE.—The third Viscount Avonmore, who died on the 24th of October, at the age of eighty-one years, was grandson of the celebrated Barry Yelverton, the lawyer, orator, and statesman, who, after attaining the highest eminence at the Irish bar, was appointed in 1782 Attorney-General of Ireland, and was constituted Lord Chief Baron of the Exchequer in 1784, being created an Irish peer in 1795. The nobleman just deceased was formerly principal registrar of the Court of Chancery in Ireland, and had for many years enjoyed a pension of £4,200 owing to the abolition of that office. His lordship's second wife and widow (whom he married in 1822) was his cousin Cecilia, eldest daughter of Charles O'Keeffe, Esq. (formerly one of the registrars of the Court of Chancery in Ireland); and the eldest son by this marriage, who succeeds to the title as fourth Viscount, was the Hon. Major W. C. Yelverton, who will be remembered in legal circles for his long continued litigation with Miss Longworth, who was declared not to be his wife by the final decision of the House of Lords in 1864.

MAURITIUS.—Mr. John Gorrie, of the Scotch Bar, who was a member of the editorial staff of the *Morning Star* (London) up to the time of the decease of that journal, and who since then has held the office of Substitute to the Procureur and Advocate-General for the island of Mauritius, has just been raised to the Mauritius Bench. The appointment is stated to have been made by the Colonial Secretary, on the recommendation of the local authorities. Mr. Gorrie, who was educated at the University of Edinburgh, was admitted a member of the Scotch Faculty of Advocates in 1856. His salary as Substitute to the Procureur-General of the Mauritius was £720, while a puisne judgeship of the Supreme Court is worth £1,200 per annum.

COURT PAPERS.

COURT OF CHANCERY.

Sittings in Michaelmas Term, 1870.

LORD CHANCELLOR.

Weds., Nov. 2. App. mnts. & apps. Thursdays .. 3. Petitions & apps. Friday 4. Appeals. Saturday 5. Tuesdays .. 8. Wednesdays .. 9. Thursdays .. 10. Fridays .. 11. App. mnts. & apps. Saturday 12. Mondays .. 14. Tuesdays .. 15. Appeals. Wednesdays .. 16. Thursdays .. 17. Fridays .. 18. App. mnts. & apps. Saturday 19. Mondays .. 21. Tuesdays .. 22. Wednesdays .. 23. Thursdays .. 24. Petitions & apps. Fridays .. 25. App. mnts. & apps.

LORDS JUSTICES.

Weds., Nov. 2. Appeal motions. Thursdays .. 3. Appeals (Petns. in lunacy, app. ptns., bk. apps., & appeals. Mondays .. 5. Appeals. Tuesdays .. 8. Apps. from the County Palatine of Lancaster & apps. Wednesdays .. 9. Appeals. Thursdays .. 10. (Petns. in lunacy, app. petitions, bk. apps., app. mnts., and appeals. Saturdays .. 12. Mondays .. 14. Tuesdays .. 15. Appeals. Wednesdays .. 16. Thursdays .. 17. Fridays .. 18. (Petns. in lunacy, app. petitions, bk. apps., app. mnts., and appeals. Saturdays .. 19. Mondays .. 21. Tuesdays .. 22. Appeals. Wednesdays .. 23. Thursdays .. 24. Fridays .. 25. App. mnts. & apps.

MASTER OF THE ROLLS.

Weds., Nov. 2. Motions. Thursdays .. 3. General paper. Fridays .. 4. (Petns. sh. causes, adj. sums., and general paper. Mondays .. 7. Tuesdays .. 8. General paper. Wednesdays .. 9. Thursdays .. 10. Mnts. & gen. pa. Fridays .. 11. General paper. (Petns. sh. caus., adj. sums., and general paper. Mondays .. 14. Tuesdays .. 15. General paper. Wednesdays .. 16. Thursdays .. 17. Mnts. & gen. pa. Fridays .. 18. General paper. (Petns. sh. caus., adj. sums., and general paper. Mondays .. 21. Tuesdays .. 22. General paper. Wednesdays .. 23. Thursdays .. 24. Fridays .. 25. Mnts. & gen. pa.

The Courts will sit at Westminster on the first day, and at Lincoln's Inn and Chancery-lane on each of the remaining days of Term. Such days as the Lords Justices shall be engaged in the Full Court or at the Judicial Committee of the Privy Council, are excepted. At the Rolls, unopposed petitions must be presented and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard. E.B.—In Vice-Chancellor Stuart's Court no cause, motion for decree, or further consideration can, except by order of the Court, be marked to stand over if it be within twelve of the last cause or matter in the printed paper of the day for hearing. Any cause intended to be heard as short causes before either of the Vice Chancellors must be so marked at least one clear day before the same can be put in the paper to be so heard.

V. C. Sir JOHN STUART.

Weds., Nov. 2. Motions. Thursdays .. 3. Causes. Fridays .. 11. Petns. and causes Saturdays .. 5. Sh. causes & caus. Mondays .. 14. Tuesdays .. 8. Causes. Wednesdays .. 16. Thursdays .. 10. Mnts. & causes. Fridays .. 11. Petitions & causes. Saturdays .. 12. Sh. causes & caus. Mondays .. 14. Tuesdays .. 15. Causes. Wednesdays .. 16. Thursdays .. 17. Mnts. & causes. Fridays .. 18. Ptns. and causes. Saturdays .. 19. Sh. causes & caus. Mondays .. 21. Tuesdays .. 22. Causes. Wednesdays .. 23. Thursdays .. 24. Fridays .. 25. Motions.

V. C. Sir RICHARD MALINS.

Weds., Nov. 2. Motions. Thursdays .. 3. General paper. Fridays .. 4. Ptns. & gen. pa. Saturdays .. 5. Sh. causes, adj. sums. & gen. pa. Mondays .. 7. Tuesdays .. 8. General paper. Wednesdays .. 9. Thursdays .. 10. Mnts. & gen. pa. Fridays .. 11. Petns. & gen. pa. Saturdays .. 12. Sh. causes, adj. sums., & gen. pa. Mondays .. 14. Tuesdays .. 15. General paper. Wednesdays .. 16. Thursdays .. 17. Mnts. & gen. pa. Fridays .. 18. Petns. & gen. pa. Saturdays .. 19. Sh. causes, adj. sums., & gen. pa. Mondays .. 21. Tuesdays .. 22. General paper. Wednesdays .. 23. Thursdays .. 24. Fridays .. 25. Mnts. & gen. pa.

V. C. JAMES BACON.

Weds., Nov. 2. Motions. Thursdays .. 3. General paper. Fridays .. 4. (Petns. sh. caus., adj. sums., and general paper. Mondays .. 7. Tuesdays .. 8. General paper. Wednesdays .. 9. Thursdays .. 10. Mnts. & gen. pa. Fridays .. 11. General paper. (Petns. sh. caus., adj. sums., and general paper. Mondays .. 14. Tuesdays .. 15. General paper. Wednesdays .. 16. Thursdays .. 17. Mnts. & gen. pa. Fridays .. 18. General paper. (Petns. sh. caus., adj. sums., and general paper. Mondays .. 21. Tuesdays .. 22. General paper. Wednesdays .. 23. Thursdays .. 24. Fridays .. 25. Mnts. & gen. pa.

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Saturdays .. 19. (Petns. sh. caus., adj. sums., and general paper. Mondays .. 21. Tuesdays .. 22. General paper. Wednesdays .. 23. Thursdays .. 24. Fridays .. 25. Mnts. & gen. pa.

Saturdays .. 19. (Petns. sh. caus., adj. sums., and general paper. Mondays .. 21. Tuesdays .. 22. General paper. Wednesdays .. 23. Thursdays .. 24. Fridays .. 25. Mnts. & gen. pa.

QUEEN'S BENCH.

Sittings at Nisi Prius in Middlesex and London, before the Right Hon. Sir A. E. COCKBURN, Bart., Lord Chief Justice of her Majesty's Court of Queen's Bench, in and after Michaelmas Term, 1870.

IN TERM.

Middlesex.

1st Sitting, Thurs., Nov. 3 | 2nd Sitting, Thurs., Nov. 10

3rd Sitting, Thurs., Nov. 17.

There will not be any sittings during term in London.

AFTER TERM.

Middlesex. London.

Saturday Nov. 26 | Saturday Dec. 10

The Court will sit at Nisi Prius on Mondays at half-past 10 o'clock, and on all other days at 10 o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

COMMON PLEAS.

Sittings at Nisi Prius in Middlesex and London, before the Right Hon. Sir WILLIAM BOVILLE, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, at Westminster, in and after Michaelmas Term, 1870.

IN TERM.

Middlesex.

1st Sitting, Thurs., Nov. 3 | 2nd Sitting, Thurs., Nov. 10

3rd Sitting, Thurs., Nov. 17.

The Court will not sit in London during term.

AFTER TERM.

Middlesex. London.

Saturday Nov. 26 | Saturday Dec. 10

The Court will sit at Nisi Prius on Mondays at half-past 10 o'clock, and on all other days at 10 o'clock.

EXCHEQUER OF PLEAS.

Sittings at Nisi Prius in Middlesex and London, before the Right Hon. Sir FRITZ-ROY KELLY, Knt., Lord Chief Baron of her Majesty's Court of Exchequer, in and after Michaelmas Term, 1870.

IN TERM.

Middlesex.

1st Sitting, Thurs., Nov. 3 | 2nd Sitting, Thurs., Nov. 10

3rd Sitting, Thurs., Nov. 17.

The Court will not sit in London during term.

AFTER TERM.

Middlesex. London.

Saturday Nov. 26 | Saturday Dec. 10

The Court will sit at Nisi Prius on Mondays at half-past ten o'clock, and on all other days at ten o'clock.

The Court will sit in Middlesex, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

The Lord Chancellor will receive the judges, Queen's Counsel, &c. at his residence 31, Great George-street, Westminster, on Wednesday next, the first day of term.

The recordership of Reading, on the resignation of Mr. McNamara, was offered, in the first instance, to Mr. Henry James, Q.C., M.P. for Taunton, and declined by that gentleman.

Mr. W. H. Robinson, solicitor, of Charterhouse-square, is a candidate for the vestry clerkship of the parish of St. Botolph Without, Aldersgate. The vestry, however, have decided that the clerk shall not be a professional man.

The Lord Mayor of London has fixed the 17th of November as the day for filling up the appointment of Registrar to the City of London Court. The new registrar will be paid at the rate of £800 for the first year, and the salary is to be increased by £100 per annum until it reaches £1,000.

The *North Devon Herald* reports that considerable progress has been made in the construction of the Devon and Somerset Railway, which is now almost completed between Wivelcombe and Taunton, and that portion will be opened for traffic in a few weeks. The promoters also announce their intention of proceeding vigorously with the remainder of the line, the second section of which, from Barnstaple to Southmolton, must be ready, according to the contractors' agreement, by February, 1871, and the third and last division by the following June.

PUBLIC COMPANIES.

GOVERNMENT FUNDS.

LAST QUOTATION, Oct. 28, 1870.

From the Official List of the actual business transacted.)

3 per Cent. Consols, 92½	Annuities, April, '65
Ditto for Account, Nov. 3, 92½	Do. (Red Sea T.), Aug. 1908
3 per Cent. Reduced 91½	Ex Bills, £1000, — per Ct. 9 p m
New 3 per Cent., 91½	Ditto, £500, Do — 9 p m
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £300, — 9 p m
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 4½ per
Do. 5 per Cent., Jan. '73	Ct. (last half year) 233
Annuities, Jan. '80 —	Ditto for Account.

INDIAN GOVERNMENT SECURITIES.

India Stk., 10½ p Ct. Apr. '74, 206	Ind. Env. Pr., 5 p C, Jan. '72 100
Ditto for Account	Ditto, 5½ per Cent., May, '79 107½
Ditto 5 per Cent. July, '80 111½	Ditto Debentures, per Cent.,
Ditto for Account, —	April, '84 —
Ditto 4 per Cent., Oct. '88 100½	Do, 5 per Cent., Aug. '73 103
Ditto, ditto, Certificates, —	Do. Bonds, 4 per Ct., £1000 20 p m
Ditto Enforced Pr., 4 per Cent. 91½	Ditto, ditto, under £1000, 20 p m

RAILWAY STOCK.

Shrs.	Railways.	Paid.	Closing prices.
Stock	Bristol and Exeter	100	88
Stock	Caledonian	100	76
Stock	Glasgow and South-Western	100	116
Stock	Great Eastern Ordinary Stock	100	39½
Stock	Do., East Anglian Stock, No. 2	100	7
Stock	Great Northern	100	122½
Stock	Do., A Stock	100	135½
Stock	Great Southern and Western of Ireland	100	—
Stock	Great Western—Original	100	71
Stock	Lancashire and Yorkshire	100	131
Stock	London, Brighton, and South Coast	100	42½
Stock	London, Chatham, and Dover	100	13½
Stock	London and North-Western	100	129
Stock	London and South-Western	100	90
Stock	Manchester, Sheffield, and Lincoln	100	45
Stock	Metropolitan	100	64
Stock	Midland	100	127
Stock	Do., Birmingham and Derby	100	96
Stock	North British	100	34
Stock	North London	100	116
Stock	North Staffordshire	100	58½
Stock	South Devon	100	48
Stock	South-Eastern	100	75½
Stock	Taff Vale	100	165

* A receives no dividend until 5 per cent. has been paid to B.

MONEY MARKET AND CITY INTELLIGENCE.

The feature of the week has been the new French loan, which was well taken up; it is understood that the allotments are, if possible, to be sent out this evening. The violent fluctuations of this in the market seem to indicate considerable speculative dealings. So far it leaves off at a small premium. During the week the railway market remained tolerably firm, and the foreign market, upon the whole, improved. The funds remained stationary as regards price, but were growing dull in tone, when, the news arriving of the capture of Metz, all the markets were quickened at once, the influx of business being accompanied by an advance in prices.

The Devon and Somerset Railway Company, a line intended to open up the north and north-east Devon and east Somerset country, in communication with the Midland, Great Western, and Bristol and Exeter lines, is now in the market, with £145,000 Perpetual £5 per Cent. B Debenture Stock, to be issued at 75, which would yield investors 6½ per cent. The instalments extend to April 15, 1871, and three years' interest is to be guaranteed by an investment in Government securities in the names of trustees (Messrs. J. A. Locke and E. H. Burke, M.P.). Subscriptions are received by the National Provincial Bank and branches, or by Messrs. Field, Wood & Haynes.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.—The first sitting of the Judicial Committee of the Privy Council will be held on Thursday, Nov. 10. The appeal of the Rev. Mr. Voysey will then be proceeded with.

The registrarship of the Godalming County Court has become vacant by the death of Mr. William Bridger, solicitor, of Guildford. The appointment is in the gift of Mr. H. J. Stoner, Judge of the Surrey County Courts (Circuit No. 45).

THE AMERICAN LEGAL TENDER ACTS.—We observe it stated in the New York papers that the constitutionality of the Legal Tender Acts, on the very point decided by Chief Justice Chase in the negative, is likely after all to come before the United States Supreme Court. When two new judges were appointed some time ago, the object it was thought was to have the tribunal so constituted as to reverse the Chief Justice's decision, and a great feeling of relief was experienced when the new cases in which the point was to be raised went off, leaving the Chief Justice's opinion to stand. Since then, however,

other cases have been going on before the Inferior Courts involving the same point, and are now likely to come before the Supreme Court on appeal. In one case, Judge Dwight, of the Supreme Court of New York State, has quite disregarded Chief Justice Chase's judgment—holding that in a contract entered into before the war the term dollars meant the ordinary legal currency, and not merely gold and silver, so that the contract may be fulfilled by payment in the present paper money. In another case mentioned, Judge Masten, of Buffalo, has held the very opposite, agreeing with Chief Justice Chase's view, that the term dollars in a contract before the war meant United States coin, and that the contract could not be satisfied by payment in any other medium. It will probably be some time before the United States Supreme Court can hear the appeals, but the cases and decisions are certainly enough to show that the point is not esteemed to be settled. We may still hope, however, that the Appellate Court of the United States will shun the odium it would incur by reversing its own decisions.—*Economist*.

ESTATE EXCHANGE REPORT.

AT THE MART.

Oct. 25.—By Messrs. NORTON, TRIST, WATNEY & CO. The freehold and part leasehold estate known as Denne-hill, situate between Canterbury and Dover, Kent, with mansion, stabling, and offices, gardens, park, farm-house, homestead, and 625a. Sold £22,000.

The freehold alluvial farm, comprising farm-house, buildings, and 127a. I.R. 7p. of arable and rich grazing marsh land, situate at Wennington, Essex. Sold £11,000.

The freehold pleasure farm of 55a., known as Mount Pleasant, situate at Holney, Sussex, with farm-house, out-buildings, and cottages. Sold £3,120.

A copyhold property, known as Eastcott Lodge, in the parish of Ruislip, near Pinner, comprising residence, stabling, coach-house, farm buildings, and 16a. Sold £3,080.

An enclosure of meadow land near the above, containing 1a. 2r. 20p. (copyhold), and let at £5 per annum. Sold £200.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

BIRLEY—On Oct. 22, at 4, Wells-road, Regent's-park, the wife of Wm. Hornby Birley, barrister-at-law, of a son.

GULLY—On Oct. 21, at 98, Bedford-street, Liverpool, the wife of William Court Gully, Esq., barrister-at-law, of a son.

MARSHALL—On Oct. 25, at 4, St. Martin's-road, Stockwell, the wife of A. E. Marshall, Esq., solicitor, of a son.

MARRIAGES.

GALLWEY—SCULLY—On Oct. 20, at Donnybrook, Dublin, Augustus William Lionel Gallwey, of the Middle Temple, barrister-at-law, to Maria Virginia Clotide, widow of Francis Scully, Esq., formerly M.P. of the county of Tipperary.

ROBERTS—WILLIAMS—On Tuesday, Oct. 25, at Edgbaston Parish Church, Richd. Roberts, of Birmingham, solicitor, to Anne T. Williams, widow of the late Wilm. Williams, Esq., of Ox-hill, Handsworth, Staffordshire.

DEATHS.

RUST—On Oct. 21, at Great Dunmow, Essex, Thomas Rust, Esq., barrister-at-law, late of Ceylon, M.L.C., in his 53rd year.

TILSLEY—On Oct. 25, at Chipping Norton, George Fowler Tilsley, Esq., solicitor, aged 77.

TOURNAY—On Oct. 23, at Ticehurst, Robert Tournay, Esq., solicitor, aged 71.

TREMELLEN—On Oct. 23, at Ventnor, Marie, the beloved wife of John Tremellen, Esq., of Hemingford-road, Barnsbury-park, and Gray's-inn, London.

LONDON GAZETTES.

Wind-ing up of Joint-Stock Companies

TUESDAY, Oct. 25, 1870.

LIMITED IN CHANCERY.

Salkeld & Company (Limited).—Vice-Chancellor Bacon has, by an order dated Oct. 13, ordered that the above company be wound up. Hill & Hoyle, Cannon-street, solicitors for the petitioners.

King's Cross Industrial Dwellings Company (Limited).—Petition for winding up, presented Oct. 25, directed to be heard before Vice-Chancellor Maitland, on the next petition day of Michaelmas Term. Bellamy & Strong, Bishopsgate-street, Within, solicitors for the petitioners.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Oct. 21, 1870.

Ashton, Caroline Law, Shaw, Lancaster, Widow. Dec 1. Buckley Oldham.

Baker, Jane, Bath, Widow. Dec 5. Kemp, Bath.

Bates, Richard, Waltham Holy Cross, Essex, Gent. Nov 22. Richards, Warwick-st, Regent-st.

Bayliffe, John, Queen's-nd, Dalston, Customs Gauger. Nov 30. Watson, Coleman-st.

Benson, John, Bootle, Liverpool, Stationer. Nov 26. Ateson & Co, Liverpool.
 Bird, Thos O'Moore, Westburton, Sussex, Esq. Dec 31. Crowdy, Serjeants' Inn, Fleet-st.
 Carruthers, Chas Bladen, Norwood, Insurance Broker. Nov 15. Waltons & Co, Great Winchester-street.
 Cole, Eliz, Torquay, Widow. Dec 20. Smith, Dartmouth.
 Collingwood, Fras Carnaby, Coldstream, N. B., Widow. Nov 23. Fenwick & Phillips, Newcastle-upon-Tyne.
 Cranage, Eliza, West Bromwich, Stafford, Widow. Nov 19. Bache, West Bromwich.
 Dawson, Thos, Tynemouth, Northumberland, Gent. Nov 14. Legge, Newcastle-upon-Tyne.
 Dickinson, Fras Roosilia, Bournemouth, Southampton, Widow. Dec 1. Dowse, Darville, Lime-st.
 Draper, Thos, Banbury, Oxford, Gent. Nov 17. Munton & Stockton, Banbury.
 Field, Alex, Homerton House, Hackney, Gent. Dec 1. Cripps, Tunbridge Wells.
 Fisher, Paul England, Sheffield, Ivory Merchant. Nov 26. Bramley, Sheffield.
 Fleisher, Wm, Abbot's Bromley, Stafford, Gent. Dec 1. Richardson & Small, Burton-on-Trent.
 Guy, John, Chiddingly, Sussex, Farmer. Dec 1. Holman, Lewes.
 Heap, Edward Lake, Huddersfield, York, Solicitor. Dec 31. Hesp & Co, Huddersfield.
 Jerard, John, Bardney, Lincoln, Surgeon. Nov 21. Burward & Co, Lombard-st.
 McGregor, John, Bury St Edmunds, Suffolk, Major. Nov 26. Leech, Bury St Edmunds.
 Smith, Fred, Cannon-st, Plumber. Dec 14. Cree & Last, Gray's-inn-sq.
 Sterling, Samuel, Newcastle-upon-Tyne, Gent. Nov 14. Legge, Newcastle-upon-Tyne.
 Swain, Geo, Marple, Chester, Innkeeper. Nov 24. Johnson, Stockport.
 Thompson, Geo Edward, Alexander-sq, Brompton, Gent. Dec 1. Mustard, Furnival's-inn.
 Thomson, Jas, Norfolk-sq, Hyde-park, Esq. Dec 31. Bircham & Co, Parliament-st.
 West, Wm Thornton, Clapham-park, Esq. Dec 1. Jones & Co, Tooley-st, Southwark.
 White, Jane, Stokenchurch, Oxford, Widow. Dec 1. Parker & Son, High Wycombe.
 Wilmet, Philip, Epsom, Surrey, Cordwainer. Dec 15. Dale, Epsom.
 Whitfield, Ellen, Abbot's Bromley, Stafford, Spinster. Dec 1. Richardson & Small, Burton-on-Trent.
 Wright, John, Aberford, York, Schoolmaster. Nov 15. Tagart, Leeds.

TUESDAY, Oct. 25, 1870.

Ayres, Jane, Everdon, Northampton, Spinster. Nov 16. Burton & Willoughby, Daventry.
 Barton, Benj, Coventry, Brazier. Nov 1. Minster & Son, Coventry.
 Bell, John, Itchen Ferry, Southampton, Common Brewer. Nov 26. Hickman, Southampton.
 Binett, Emily, Brighton, Sussex, Widow. Dec 20. Black & Co, Brighton.
 Booker, Harriett, Guildford, Surrey, Widow. Dec 10. Blackmore & Son, Alresford.
 Coles, Cowper Phipps, Ventnor, Isle of Wight, Captain, R.N. Dec 31. Davidson, Spring-gardens.
 Cooksey, Geo Napoleon, Southampton, Wine Merchant. Nov 26. Hickman, Southampton.
 Cresswell, Adelaide, Eliza Baker, Kensington-sq, Kensington. Dec 31. Davidson, Spring-gardens.
 Cullen, Jane, Rovenden, Kent, Widow. Nov 30. Munn & Mace, Tenterden.
 Davies, Wm Rees, Radford Semele, Warwick, Clerk. Nov 24. Pardoe, Bewdley.
 Halfpenny, Geo, Coventry-st, Haymarket, Steel Engraver. Dec 6. Wilson, Gt James-st, Bedford-row.
 Hilton, Jas, West Gorton, nr Manch, Gent. Dec 4. Needham, Manch.
 Ladyman, Thos, Preston, Lancaster, Joiner. Nov 30. Pilkington & Walker, Preston.
 Livermore, Isaac, Barnston, Essex, Farmer. Dec 20. Johnson, Great Dunmow.
 Mason, Stephen, Nottingham, Hay Dealer. Dec 6. Hogg, Nottingham.
 Matthew, John, Park-st, Grosvenor-sq, Esq. Jan 1. Cattars & Co, Mark-lane.
 Rose, Ann, Stratford-upon-Avon, Widow. Dec 16. Hobbes & Co, Stratford-upon-Avon.
 Stevens, Robert White, Plymouth, Devon, Printer. Dec 24. Wedlake & Letts, Mitre-st, Temple, for Edmonds & Son, Plymouth.
 Stevens, Wm, Medstead, Southampton, Yeoman. Dec 10. Blackmore & Son, Alresford.
 Steward, Phoebe, Burwood-pl, Edgware-rd, Widow. Nov 30. Fladgate & Co, Craven-st, Strand.
 Taverner, Edmund, Middle Deal, Kent, Esq. Dec 21. Adams, Old Jewry-chambers.
 White, Eliz Mary, Torquay, Devon, Widow. Dec 10. Blackmore & Son, Alresford.
 Woolsey, Eliz, Rochester, Kent, Spinster. Nov 26. Prall & Son, Rochester.
 Young, Thos, Louth, Lincoln, Merchant. Dec 15. Bell, Leath.

Bankrupts.

FRIDAY, Oct. 21, 1870.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Maddar, Chas, Walthamstow, Victualler. Pet Oct 18. Brougham. Nov 2 at 11.
 Nokes, Walter Federan, & Geo Carlisle, Finch-lane, Solicitors. Pet Oct 19. Roche. Nov 3 at 12.
 Taylor, Henry, Westbury-rd, Harrow-rd, no occupation. Pet Oct 19. Brougham. Nov 1 at 12.

To Surrender in the Country.

Aylett, Hy, Havering-atte-Bower, Essex, Boot Maker. Pet Oct 19. Gepp, Chelmsford, Nov 4 at 1.
 Bannatyne, John, Leeds, Draper. Pet Oct 15. Marshall, Leeds, Nov 2 at 11.
 Bellamy, Geo, St Leonard's-on-Sea, Sussex, Builder. Pet Oct 17. Young, Hastings, Nov 5 at 11.30.
 Chapman, Richd John, Brighton, Sussex, Stone Mason. Pet Oct 18. Evershed, Brighton, Nov 1 at 11.
 Elliott, Geo, Kinson, Dorset, Yeoman. Pet Oct 17. Dickinson, Poole, Nov 3 at 11.
 Fuller, Saml, Peterborough, Northampton, Innkeeper. Pet Oct 12. Gaches, Peterborough, Nov 2 at 4.
 Groves, Thos, Bishopwearmouth, Durham, Tailor. Pet Oct 18. Ellis, Sunderland, Nov 2 at 11.
 Jacob, Wm, Gorleston, Suffolk, Builder. Pet Oct 17. Chamberlin, Q. Yarmouth, Nov 7 at 12.
 Moore, Saml, Clifton, Bristol, Ironmonger. Pet Oct 18. Harley, Bristol, Nov 1 at 12.
 Richardson, Noble Carr, Jersey, Shipowner. Pet Oct 17. Mortimer, Newcastle, Nov 8 at 2.
 Thomas, Geo, Littlehampton, Sussex, Ironfounder. Pet Oct 18. Evershed, Brighton, Nov 1 at 11.30.
 Tomkins, Wm, Pinham, Kent, General Dealer. Pet Oct 12. Bishop, Greenwich, Oct 31 at 1.

TUESDAY, Oct. 25, 1870.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Bodger, Wm, High Holborn, Draper. Pet Oct 21. Roche. Nov 8 at 1. Roberts, Thos, New Bond-st, Dentist. Pet Oct 21. Brougham. Nov 9 at 1.
 Mannion, Edwd, Castle-st, Falcon-sq, Agent. Pet Oct 21. Roche. Nov 9 at 2.
 Revill, Hy, Church-st, Edgware-rd, Upholsterer. Pet Oct 21. Roche. Nov 15 at 11.

To Surrender in the Country.

Abbotson, Robt, Burton-in-Kendal, Westmoreland, Gardener. Pet Oct 21. Thompson, Kendal, Nov 8 at 11.
 Bartle, John, Shipley, York, Plasterer. Pet Oct 18. Robinson, Bradford, Nov 8 at 9.
 Bullock, Thos Death, Balderton, Notts, Farmer. Pet Oct 20. Patchitt, Nottingham, Nov 10 at 12.
 Goldsmith, Jas, Rochester-ter, Colney Hatch, Draper. Pet Oct 20. Paisley, Edmonton, Nov 8 at 12.
 Shann, John, Leeds, General Merchant. Pet Oct 21. Marshall, Leeds, Nov 11 at 11.

BANKRUPTCIES ANNULLED.

FRIDAY, Oct. 21, 1870.

Macdonald, John, Fenchurch-st, Licensed Victualler. Oct 3. Owain, Fredk, Upper Berkeley-st, Portman-sq, Dentist. Oct 6. Wild, Jas, & John Cocker Wild, Oldham, Lancashire, Cotton Waste Dealers. Oct 17.

TUESDAY, Oct. 25, 1870.

Todd, John, Howard-rd, South Hornsey, Licensed Victualler. Oct 22.

GRESHAM LIFE ASSURANCE SOCIETY 37, OLD JEWRY, LONDON, E.C.

SOLICITORS are invited to introduce, on behalf of their clients, Proposals for Loans on Freehold or Leasehold Property, Reversions, Life Interests, or other adequate securities.

Proposals may be made in the first instance according to the following form:—

PROPOSAL FOR LOAN ON MORTGAGES.

Date.....
 Introduced by (state name and address of solicitor)

Amount required £
 Time and mode of repayment (i.e., whether for a term certain, or by annual or other payments)

Security (state shortly the particulars of security, and, if land or buildings, state the net annual income).

State what Life Policy (if any) is proposed to be effected with the Gresham Office in connection with the security.

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THE
PUBLIC GENERAL STATUTES,

33 & 34 VICTORIÆ, 1870.

THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

LONDON:
12, COOK'S-COURT, CAREY-STREET, W.C.

1870.

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PUBLIC GENERAL STATUTES, 1870.

33 & 34 VICTORÆ.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to empower committees on bills confirming provisional orders to award costs and examine witnesses on oath.

[25th March, 1870.]

Whereas it is expedient to empower committees of both Houses of Parliament to award costs in certain cases, and also to empower committees of the House of Commons to administer oaths to witnesses in certain cases not already provided for:

Be it enacted, &c.

1. *Power to committees of either House of Parliament on bills confirming provisional orders to award costs.*] Any select committee of either House of Parliament to which any bill for confirming provisional orders has been referred in relation to any provisional order therein contained may award costs in like manner and subject to the same conditions as costs may be awarded by any select committee empowered to award costs by the Act of the 28th Vict. c. 28, and the provisions of the said Act so far as they are applicable shall apply to such select committees, and to the matters so referred to them.

2. *Power to such committees of House of Commons to examine witnesses upon oath.*] Any select committee of the House of Commons to which any bill for confirming provisional orders has been referred in relation to any provisional order therein contained may examine witnesses upon oath in like manner as any select committee to which any private bill has been referred may administer oaths under the Act of the 22nd Vict. c. 78, and the provisions of the said Act so far as they are applicable shall apply to any select committee to which any such bill has been referred as aforesaid and to the oaths administered by such committee.

CAP. II.

An Act to make provision for the proceedings of boards of management and boards of guardians upon the dissolution of districts and unions or the annexation of parishes to unions.

[25th March, 1870.]

1. *Persons acting as guardians or managers at time of dissolution, &c., to continue in office to wind up accounts; and empowered to make orders upon parishes or unions for contributions, and to enforce the same;*

2. *And also may retain services of officers with salaries and for periods to be approved of by Poor Law Board.*

3. *Provision for the continuance of actions, suits, or other proceedings.*

4. *Poor Law Board upon notice from managers, &c. to make adjustment.*

5. *When union is formed out of parishes, acting guardians, &c. to continue till guardians are elected.*

6. *Accounts of last acting guardians, &c. to be audited.*

7. *As to payment of loans contracted and still due.*

8. *Deeds and other matters relating to the relief of the poor transferred to new board of guardians.*

9. *Superannuation allowances and compensations to be paid by guardians of unions.*

10. *Sect. 20 of 30 & 31 Vict. c. 106, extended to a parish added to another parish to form a union.*

11. *Provision for the valuations of property on dissolution, separation, or amalgamation of unions and districts.*

12. *Vesting of property of dissolved unions, &c. in last acting managers or guardians until sold, &c. under sect. 3 of 5 & 6 Will. 4, c. 69.*

13. *Construction of Act.*

14. *Short title.*

CAP. III.

An Act to make better provision for making laws and regulations for certain parts of India, and for certain other purposes relating thereto.

[25th March, 1870.]

CAP. IV.

An Act to make provision for the assessment of income tax, and to amend the law relating to inland revenue.

[25th March, 1870.]

Whereas in order to ensure the collection in due time of any duties of income tax which may be granted for the year commencing the 6th day of April, 1870, it is expedient that the provisions of the Income Tax Acts relating to assessment should be applied to such duties before the same are granted:

Be it enacted, &c.

1. *Application of existing Income Tax Acts to duties to be granted.*] All such provisions contained in any Act of Parliament relating to the duties of income tax as are in force at the date of the passing of this Act shall have full force and effect with respect to any duties of income tax which may be granted for the year commencing the 6th day of April, 1870, in the same manner as if such duties had been actually granted, and the said provisions had been applied thereto; provided that nothing in this Act shall be deemed to continue or put in force sections 6 and 7 of the Act of the session of the 32nd and 33rd years of the reign of her present Majesty, chapter 14, or to continue the rates of income tax granted by that Act.

2. *As to returns, &c. under 32 & 33 Vict. c. 67.*] The returns and statements made under the Valuation (Metropolis) Act, 1869, shall be deemed to be, and shall be taken as returns and statements for the assessment of the duties under schedules A. and B. of the Income Tax Act.

3. *Commissioners for general purposes to execute Acts relating to house duties.*] The commissioners for the general purposes of the Income Tax Acts shall be commissioners for executing the Acts relating to the inhabited house duties, and all appeals against the said duties shall be determined in like manner as appeals under schedule A. of the Income Tax Acts.

4. *Short title.*] This Act may be cited as "The Income Tax Assessment Act, 1870."

CAP. V.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy, and one thousand eight hundred and seventy-one, and preceding years.

[25th March, 1870.]

CAP. VI.

An Act to extend the jurisdiction of the judges of the superior courts of common law at Westminster.

[25th March, 1870.]

Whereas it is expedient to amend the law relating to the jurisdiction of the judges of the superior courts of common law at Westminster:

Be it therefore enacted, &c.

1. *Short title of act.*] This Act may be cited for all purposes as "The Judges Jurisdiction Act, 1870."

2. *Chief judge, &c. may request assistance.*] In case any one of her Majesty's superior courts of common law at Westminster shall require assistance in the despatch of business pending in such court, and shall by the chief judge of such court make request in writing to the chief judge of any other of the said courts for the assistance of a puisne judge of such last-mentioned court in the execution of the duties of the first-mentioned court, either by sitting in court or in any manner and for any purpose whatsoever, and such request may be either general or special, and for such time as may be therein specified; and the chief judge to whom such request is made shall thereupon refer such request to the judges of the court of which he is the chief judge, and the judges of such court may (if the business pending in his court do not imperatively require the attendance of all the puisne judges) appoint one of such puisne judges to assist the first-mentioned court, and the puisne judge so appointed shall in all matters of which he may take cognisance have the same jurisdiction in all respects as if he were a puisne judge of the court to which the chief judge belongs who requests his assistance.

3. *Evidence of request by chief judge not required.*] No evidence shall be required of such request by such chief judge in order to found the jurisdiction of such puisne judge.

4. *Two divisions of any court may be sitting at one time in banc.*] Any of the superior courts of common law at Westminster may sit in two divisions at one time in banc; and each of such divisions shall exercise the same power and authority as might be exercised by the whole court so sitting in banc; and where necessary any puisne judge of either of the other superior courts may, on such request as above mentioned of a chief judge, assist in holding such sitting in the same manner and with the same authority as if he were a judge of the court sitting in banc.

5. *Any number of sittings may be held at nisi prius at one time.*] Any number of judges may at one and the same time hold a sitting or sittings at nisi prius either in London or Westminster, as may be deemed expedient by the court.

6. *Definition of chief judge.*] The expression "chief judge" for the purposes of this Act shall mean the chief justice of the Court of Queen's Bench, the chief justice of the Court of Common Pleas, and the chief baron of the Exchequer, and where the office of any such chief judge is for the time being vacant, the senior puisne judge of the court in which such office may be vacant.

CAP. VII.

An Act for punishing mutiny and desertion, and for the better payment of the army and their quarters.

[4th April, 1870.]

CAP. VIII.

An Act for the regulation of her Majesty's Royal Marine Forces while on shore. [4th April, 1870.]

CAP. IX.

An Act to amend the Peace Preservation (Ireland) Act, 1856, and for other purposes relating to the preservation of peace in Ireland. [4th April, 1870.]

1. *Short title.*
2. *Limitation of act.*
3. *General definitions of terms.*
4. *Special definitions of terms.*
5. *Construction of Act.*
6. *Persons having game licences also to have licences to have and carry arms. Special licence to carry revolvers.*
7. *Punishment for carrying or having arms in proclaimed districts.*
8. *15 & 16 Geo. 3, c. 21, and 1 & 2 Will. 4, c. 44, to apply to proclaimed districts.*
9. *Sect. 14 of 11 & 12 Vict. c. 2 repealed.*
10. *Powers of persons acting under search warrants.*
11. *In proclaimed districts no dealer shall sell gunpowder but to a licensed dealer or to a person licensed to keep arms.*
12. *In proclaimed districts arms to be sold, &c. only to persons licensed to have arms.*
13. *In proclaimed districts where felony committed, justices may summon persons suspected of being capable of giving evidence in relation to such offence, and punish persons refusing to give evidence.*
14. *Persons charged with carrying or having arms may in certain cases be admitted to bail.*
15. *Power to issue warrant to search in proclaimed districts for documents in handwriting of persons suspected of writing threatening letters.*
16. *Provisions of Peace Preservation Act as to posting proclamations, &c. repealed.*
17. *Printed copies of every proclamation, &c. issued under Peace Preservation Act to be posted on or near the door of one place of public worship in every parish, &c. in district.*
18. *Provisions of this part of this Act to apply to proclaimed districts when special proclamation issued by Lord Lieutenant.*
19. *Lord Lieutenant may by notice revoke licences to have or carry arms in a specially proclaimed district.*
20. *Printed copies of every special proclamation to be posted, &c.*
21. *Production of Dublin Gazette containing publication of any special proclamation to be conclusive evidence of facts, &c.*
22. *Copies of special proclamations to be laid before Parliament.*
23. *Power to arrest persons in district specially proclaimed found out at night under suspicious circumstances.*
24. *Power to Lord Lieutenant by order to close public-houses in districts specially proclaimed.*
25. *Power to arrest strangers in district specially proclaimed.*
26. *Power to justices to punish persons charged with certain offences.*
27. *Persons accused may have assistance of counsel, &c.*
28. *Any metropolitan police magistrate or stipendiary magistrate may act alone.*
29. *Venue may be changed on suggestion of Attorney-General.*
30. *Newspapers containing treasonable or seditious matter, &c. to be forfeited to her Majesty.*
31. *Power to Lord Lieutenant to issue warrant to search for and seize newspapers, printing presses, types, &c.*
32. *Power to enter premises to execute warrant.*
33. *Power to maintain action in case of illegal search or seizure.*
34. *Term "newspaper."*
35. *No person not licensed as a manufacturer shall sell gunpowder without a licence for that purpose.*
36. *Gunpowder makers and dealers, within thirty days after commencement of Act, and afterwards monthly, shall return ac-*

count of their stock to chief officer of police, and keep books with accounts of sales, &c., to be inspected and stock examined.

37. *Monthly account of arms sold, &c., shall be kept.*
38. *Power of apprehending absconding witnesses.*
39. *Power to grand jury to present compensation to be paid in certain cases of murder or maiming.*
40. *Recovery of penalties.*
41. *Declaration as to applicability of certain enactments.*

CAP. X.

An Act to consolidate and amend the law relating to the coinage and her Majesty's Mint.

[4th April, 1870.]

1. *Short title.*
2. *Definitions of terms.*
3. *Standard of coins.*
4. *Legal tender.*
5. *Prohibition of other coins and tokens.*
6. *Contracts, &c., to be made in currency.*
7. *Defacing light gold coin.*
8. *Coining of bullion taken to the mint.*
9. *Purchase of bullion.*
10. *Payment of profits, &c., to Exchequer.*
11. *Regulations by proclamation.*
12. *Trial of the pyx.*
13. *Regulations by Treasury.*
14. *Master of Mint.*
15. *Deputy masters and officers.*
16. *Custody, &c., of standard trial plates.*
17. *Standard weights for coin.*
18. *Summary procedure.*
19. *Extent of Act.*
20. *Repeal of Acts and parts of Acts in second schedule.*

CAP. XI.

An Act to enable the officers employed in the Collector-General of Rates' office in the city of Dublin to vote at parliamentary elections for that city.

[12th May, 1870.]

CAP. XII.

An Act to repeal certain duties of customs in the Isle of Man.

[12th May, 1870.]

CAP. XIII.

An Act to amend the law relating to the surveys of Great Britain, Ireland, and the Isle of Man.

[12th May, 1870.]

CAP. XIV.

An Act to amend the law relating to the legal condition of aliens and British subjects.

[12th May, 1870.]

Whereas it is expedient to amend the law relating to the legal condition of aliens and British subjects:

Be it enacted, &c.

1. *Short title.] This Act may be cited for all purposes as "The Naturalization Act, 1870."*

Status of aliens in the United Kingdom.

2. *Capacity of an alien as to property.] Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: provided—*

- (1.) *That this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any*

office or for any municipal, parliamentary, or other franchise:

- (2.) *That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him:*
- (3.) *That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act.*

3. *Power of naturalized aliens to divest themselves of their status in certain cases.] Where her Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for her Majesty, by order in council, to declare that such convention has been entered into by her Majesty; and from and after the date of such order in council, any person being originally a subject or citizen of the state referred to in such order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the state to which he originally belonged as aforesaid.*

A declaration of alienage may be made as follows, that is to say:—If the declarant be in the United Kingdom in the presence of any justice of the peace, if elsewhere in her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is, to administer an oath for any judicial or other legal purpose. If out of her Majesty's dominions in the presence of any officer in the diplomatic or consular service of her Majesty.

4. *How British born subjects may cease to be such.] Any person who by reason of his having been born within the dominions of her Majesty is a natural-born subject, but who also at the time of his birth became under the law of any foreign state a subject of such state, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject.*

5. *Alien not entitled to jury de medietate lingue.] From and after the passing of this Act, an alien shall not be entitled to be tried by a jury *de medietate lingue*, but shall be triable in the same manner as if he were a natural-born subject.*

Expatiation.

6. *Capacity of British subject to renounce allegiance to her Majesty.] Any British subject who has at any time before, or may at any time after the passing of this Act, when in any foreign state and not under any disability voluntarily become naturalized in such state, shall from and after the time of his so having become naturalized in such foreign state, be deemed to have ceased to be a British subject and be regarded as an alien: provided—*

- (1.) *That where any British subject has before the passing of this Act voluntarily become naturalized in a foreign state and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration hereinafter referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject; with this qualification, that he shall not, when within the limits of the foreign state in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that state*

in pursuance of the laws thereof, or in pursuance of a treaty to that effect:

(2.) A declaration of British nationality may be made, and the oath of allegiance be taken as follows, that is to say:—If the declarant be in the United Kingdom in the presence of a justice of the peace, if elsewhere in her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorised by law in the place in which the declarant is, to administer an oath for any judicial or other legal purpose. If out of her Majesty's dominions in the presence of any officer in the diplomatic or consular service of her Majesty.

Naturalization and resumption of British nationality.

7. *Certificate of naturalization.*] An alien who, within such limited time before making the application hereinafter mentioned as may be allowed by one of her Majesty's Principal Secretaries of State, either by general order or on any special occasion, has resided in the United Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom, or to serve under the Crown, may apply to one of her Majesty's Principal Secretaries of State for the certificate of naturalization.

The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said Secretary of State may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and it shall be lawful for the said Secretary of State to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

8. *Certificate of re-admission to British nationality.*] A natural-born British subject who has become an alien in pursuance of this Act, and is in this Act referred to as a statutory alien, may, on performing the same conditions and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of her Majesty's principal Secretaries of State for a certificate, hereinafter referred to as a certificate of re-admission to British nationality, re-admitting him to the status of a British subject. The said Secretary of State shall have the same discretion as to the giving or withholding of the certificate as in the case of a certificate of naturalization, and an oath of allegiance shall in like manner be required previously to the issuing of the certificate.

A statutory alien to whom a certificate of re-admission to British nationality has been granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject;

with this qualification, that within the limits of the foreign state of which he became a subject he shall not be deemed to be a British subject unless he has ceased to be a subject of that foreign state according to the laws thereof, or in pursuance of a treaty to that effect.

The jurisdiction by this Act conferred on the Secretary of State in the United Kingdom in respect of the grant of a certificate of re-admission to British nationality, in the case of any statutory alien being in any British possession, may be exercised by the governor of such possession; and residence in such possession shall, in the case of such person, be deemed equivalent to residence in the United Kingdom.

9. *Form of oath of allegiance.*] The oath in this Act referred to as the oath of allegiance shall be in the form following, that is to say:—

“I — do swear that I will be faithful and bear true allegiance to her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.”

10. *National status of married women and infant children.*] The following enactments shall be made with respect to the national status of women and children:—

- (1.) A married woman shall be deemed to be a subject of the state of which her husband is for the time being a subject:
- (2.) A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of re-admission to British nationality in manner provided by this Act:
- (3.) Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the state of which the father or mother has become a subject, and not a British subject:
- (4.) Where the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality, every child of such father or mother who during infancy has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents:
- (5.) Where the father, or the mother being a widow, has obtained a certificate of naturalization in the United Kingdom, every child of such father or mother who during infancy has become resident with such father or mother in any part of the United Kingdom, shall be deemed to be a naturalized British subject.

Supplemental provisions.

11. *Regulations as to registration.*] One of her Majesty's Principal Secretaries of State may by regulation provide for the following matters:—

- (1.) The form and registration of declarations of British nationality:
- (2.) The form and registration of certificates of naturalization in the United Kingdom:
- (3.) The form and registration of certificates of re-admission to British nationality:
- (4.) The form and registration of declarations of alienage:
- (5.) The registration by officers in the diplomatic or consular service of her Majesty of the births and deaths of British subjects who may be born or die out of her Majesty's dominions, and of the marriages of persons married at any of Her Majesty's embassies or legations:
- (6.) The transmission to the United Kingdom for the purpose of registration or safe keeping, or of being produced as evidence, of any declarations or certificates made in pursuance of this Act out of the United Kingdom, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of the United Kingdom, in pursuance of or for the purpose of carrying into effect the provisions of this Act:
- (7.) With the consent of the Treasury the imposition and application of fees in respect of any registration

authorised to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorised to be made or granted by this Act.

The said Secretary of State, by a further regulation, may repeal, alter, or add to any regulation previously made by him in pursuance of this section.

Any regulation made by the said Secretary of State in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act, but shall not, so far as respects the imposition of fees, be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possession in which any Act or ordinance to the contrary of or inconsistent with any such direction may for the time being be in force.

12. *Regulations as to evidence.*] The following regulations shall be made with respect to evidence under this Act:—

- (1.) Any declaration authorised to be made under this Act may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a true copy by one of her Majesty's principal Secretaries of State, or by any person authorised by regulations of one of her Majesty's principal Secretaries of State to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date of the said declaration mentioned:
- (2.) A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of her Majesty's principal Secretaries of State, or by any person authorised by regulations of one of her Majesty's principal Secretaries of State to give certified copies of such certificate:
- (3.) A certificate of re-admission to British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of her Majesty's principal Secretaries of State, or by any person authorised by regulations of one of her Majesty's principal Secretaries of State to give certified copies of such certificate:
- (4.) Entries in any register authorised to be made in pursuance of this Act shall be proved by such copies and certified in such manner as may be directed by one of her Majesty's principal Secretaries of State, and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the said Secretary of State authorised to be inserted in the register:
- (5.) The Documentary Evidence Act, 1868, shall apply to any regulation made by a Secretary of State, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

Miscellaneous.

13. *Saving of letters of denization.*] Nothing in this Act contained shall affect the grant of letters of denization by her Majesty.

14. *Saving as to British ships.*] Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

15. *Saving of allegiance prior to expatriation.*] Where any British subject has in pursuance of this Act become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

16. *Power of colonies to legislate with respect to naturalization.*] All laws, statutes, and ordinances which may be duly made by the Legislature of any British possession for impairing to any person the privileges, or any of the privileges, of naturalization, to be enjoyed by such person within the limits of such possession, shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by her Majesty in the same manner, and subject to the same rules in and subject to which her Majesty has power to confirm or disallow any other laws, statutes, or ordinances in that possession.

17. *Definition of terms.*] In this Act, if not inconsistent with the context or subject-matter thereof—

“Disability” shall mean the status of being an infant, lunatic, idiot, or married woman:

“British possession” shall mean any colony, plantation, island, territory, or settlement within her Majesty's dominions, and not within the United Kingdom, and all territories and places under one legislature are deemed to be one British possession for the purposes of this Act:

“The governor of any British possession” shall include any person exercising the chief authority in such possession:

“Officer in the diplomatic service of her Majesty” shall mean any ambassador, minister or chargé d'affaires, or secretary of legation, or any person appointed by such ambassador, minister, chargé d'affaires, or secretary of legation to execute any duties imposed by this Act on an officer in the diplomatic service of her Majesty:

“Officer in the consular service of her Majesty” shall mean and include consul-general, consul, vice-consul, and consular agent, and any person for the time being discharging the duties of consul-general, consul, vice-consul, and consular agent.

Repeal of Acts mentioned in schedule.

18. *Repeal of Acts.*] The several Acts set forth in the first and second parts of the schedule annexed hereto shall be wholly repealed, and the Acts set forth in the third part of the said schedule shall be repealed to the extent therein mentioned; provided that the repeal enacted in this Act shall not affect—

- (1.) Any right acquired or thing done before the passing of this Act:
- (2.) Any liability accruing before the passing of this Act:
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before the passing of this Act:
- (4.) The institution of any investigation or legal proceeding or any other remedy for ascertaining or enforcing any such liability, penalty, forfeiture, or punishment as aforesaid.

SCHEDULE.

Note.—Reference is made to the repeal of the “whole Act” where portions have been repealed before, in order to preclude henceforth the necessity of looking back to previous Acts.

This schedule, so far as respects Acts prior to the reign of George the Second, other than Acts of the Irish Parliament, refers to the edition prepared under the direction of the Record Commission, intituled “The Statutes of the Realm; printed by Command of his Majesty King George the Third, in pursuance of an Address of the House of Commons of Great Britain. From original Records and authentic Manuscripts.”

PART I.

ACTS WHOLLY REPEALED, OTHER THAN ACTS OF THE IRISH PARLIAMENT.

Date.

7 Jas. 1, c. 2.	An Act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's Supper, and the oath of allegiance, and the oath of supremacy.
11 Will. 3, c. 6 (a).	An Act to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens.
13 Geo. 2, c. 7.	An Act for naturalizing such foreign Protestants and others therein mentioned, as are settled or shall settle in any of his Majesty's colonies in America.
20 Geo. 2, c. 44.	An Act to extend the provisions of an Act made in the thirteenth year of his present Majesty's reign, intituled “An Act for naturalizing foreign Protestants and others therein mentioned, as are settled or shall settle in any of his Majesty's colonies in America, to other foreign Protestants who conscientiously scruple the taking of an oath.”

Date.	Title.
13 Geo. 3, c. 25.	An Act to explain two Acts of Parliament, one of the thirteenth year of the reign of his late Majesty, "for naturalizing such foreign Protestants and others as are settled or shall settle in any of his Majesty's colonies in America," and the other of the second year of the reign of his present Majesty, "for naturalizing such foreign Protestants as have served or shall serve as officers or soldiers in his Majesty's Royal American regiment, or as engineers in America."
14 Geo. 3, c. 84.	An Act to prevent certain inconveniences that may happen by bills of naturalization.
16 Geo. 3, c. 52.	An Act to declare his Majesty's natural-born subjects inheritable to the estates of their ancestors, whether lineal or collateral, in that part of Great Britain called Scotland, notwithstanding their father or mother were aliens.
6 Geo. 4, c. 67.	An Act to alter and amend an Act passed in the seventh year of the reign of his Majesty King James the First, intituled, "An Act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's Supper and the oath of allegiance and the oath of supremacy."
7 & 8 Vict. c. 66.	An Act to amend the laws relating to aliens.
10 & 11 Vict. c. 83.	An Act for the naturalization of aliens.

PART II.

ACTS OF THE IRISH PARLIAMENT WHOLLY REPEALED.

Date.	Title.
14 & 15 Ch. 2, c. 13.	An Act for encouraging Protestant strangers and others to inhabit and plant in the Kingdom of Ireland.
2 Anne, c. 14.	An Act for naturalizing of all Protestant strangers in this kingdom.
19 & 20 G. 3, c. 29.	An Act for naturalizing such foreign merchants, traders, artificers, artisans, manufacturers, workmen, seamen, farmers, and others, as shall settle in this kingdom.
23 & 24 G. 3, c. 38.	An Act for extending the provisions of an Act passed in this kingdom in the 19th and 20th years of his Majesty's reign, intituled, "An Act for naturalizing such foreign merchants, traders, artificers, artisans, manufacturers, workmen, seamen, farmers, and others, as shall settle in this kingdom."
36 Geo. 3, c. 48.	An Act to explain and amend an Act, intituled "An Act for naturalizing such foreign merchants, traders, artificers, artisans, manufacturers, workmen, seamen, farmers, and others who shall settle in this kingdom."

PART III.

ACTS PARTIALLY REPEALED.

		Extent of repeal.
4 Geo. 1, c. 9. (Act of Irish Parliament.)	An Act for reviving, continuing, and amending several statutes made in this kingdom heretofore temporary.	So far as it makes perpetual the Act of 2 Anne, c. 14.
6 Geo. 4, c. 50.	An Act for consolidating and amending the laws relative to jurors and juries.	The whole of section 47.
3 & 4 Will. 4, c. 91.	An Act consolidating and amending the laws relating to jurors and juries in Ireland.	The whole of section 37.

CAP. XV.

An Act to transfer to the Commissioners of her Majesty's Works and Public Buildings the property in and control over the buildings and property of the county courts in England, and for other purposes relating thereto.

[20th June, 1870.]

Whereas it is expedient to transfer to the Commissioners of Her Majesty's Works and Public Buildings the complete control over the buildings and property of the county courts in England, and to vest in the said commissioners the buildings and property now vested in the treasurers of the said courts:

Be it enacted, &c.

1. *Short title.*] This Act may be cited as "The County Court (Buildings) Act, 1870."

2. *Definition of "Commissioners of Works."*] In this Act the term "the Commissioners of Works" means the Commissioners of her Majesty's Works and Public Buildings, as incorporated by the Act of the session of the 15th & 16th years of the reign of her present Majesty, c. 28, intituled "An Act to amend an Act of the 14th & 15th years of her present Majesty, for the direction of public works and buildings, and to vest the buildings appropriated for the accommodation of the supreme courts of justice in Edinburgh in the Commissioners of her Majesty's Works and Public Buildings."

3. *Transfer of property from treasurers to commissioners.*] All property, real and personal (other than money and securities for money, books, papers, and records), belonging to any county court, of or to which the treasurer of any county court or any other person is seized, possessed, or entitled, in trust for a county court, under the sections of the Acts mentioned in the schedule to this Act, shall, on the passing of this Act, pass to and be vested in the Commissioners of Works, for the same estate and interest, and subject to the same covenants, conditions, agreements, and liabilities, for and subject to which the same were held by the said treasurer or other person; and such treasurer or other person shall be discharged from such covenants, conditions, agreements, and liabilities.

4. *As to providing courts, offices, &c.*] The Commissioners of Works, with the approval of the Commissioners of her Majesty's Treasury, shall from time to time build, purchase, hire, or otherwise provide such court-house, offices, and buildings as may be necessary for carrying on the business of any county court, and cause the same to be furnished, cleaned, lighted, and warmed, and give such directions to the registrar of each court with regard to the hiring and dismissing of servants as shall seem fit.

For the purposes of any such purchase, the Lands Clauses Consolidation Act, 1845, and the Acts amending the same (except so much thereof as relates to the purchase of land otherwise than by agreement), are hereby incorporated with this Act, and in construing those Acts for the purposes of this Act the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to be the Commissioners of Works.

5. *Provisions of Acts in schedule repealed.*] The Acts mentioned in the schedule to this Act are hereby repealed, to the extent in the third column of the said schedule mentioned, without prejudice to anything already done or suffered, or any right already acquired or accrued.

SCHEDULE.

Year and chapter.	Title.	Extent of repeal.
9 & 10 Vict. c. 95...	The County Courts Act, 1846.	Sections 48 and 50 to 55, both inclusive.
29 & 30 Vict. c. 14.	The County Courts Act, 1866.	Section 8, except so far as it relates to money and securities for money, and section 9.
30 & 31 Vict. c. 142.	The County Courts Act, 1867.	Section 18.

CAP. XVI.

An Act to define the boundary between the counties of Inverness and Elgin or Moray, in the district of Strathspey; and for other purposes.

[20th June, 1870.]

CAP. XVII.

An Act for making further provision relating to the management of certain departments of the War Office.

[20th June, 1870.]

CAP. XVIII.

An Act to provide for the equal distribution over the metropolis of a further portion of the charge for the relief of the poor.

[20th June, 1870.]

Be it enacted, &c.

1. *Maintenance of in-door poor to be a charge upon the Metropolitan Common Poor Fund.*] From and after the 29th day of September, 1870, the provisions of the 69th section of the Metropolitan Poor Act, 1867, directing the repayment of the expenses incurred for the maintenance of lunatics and insane poor, and of patients in any asylum specially provided under that Act for patients suffering from fever and small pox, shall extend to the expenses incurred for the maintenance of paupers in any other asylum now or hereafter to be provided under the said Act, and to the maintenance of paupers above the age of sixteen years in any workhouse in the metropolis, and the Poor Law Board shall, by its precept under seal, direct the receiver of the Common Poor Fund to repay such expenses out of that fund, in the same manner as the expenses specified in that section, subject, nevertheless, to the following provisions:—

- (1) The Poor Law Board shall certify the maximum number of paupers to be maintained in any workhouse or asylum.
- (2) No repayment shall be made in respect of a greater number of paupers maintained in any asylum on any one day than will complete the maximum number which such asylum shall have been certified to hold as aforesaid, nor in respect of a greater number of paupers maintained in any workhouse on any one day than will, together with the children under the age of sixteen, if any, maintained therein on the same day, complete the maximum number certified for such workhouse.
- (3) The amount so repaid in respect of such maintenance shall be at the rate of fivepence per day for each pauper in such workhouse or asylum.
- (4) If the guardians of any union or parish, or the managers of any asylum, shall, during any half year ending at Lady Day or Michaelmas respectively, have refused or neglected to comply with any Order of the Poor Law Board, issued under the Poor Law Acts, directing the alteration or enlargement of the workhouse, the provision of proper drainage, sewers, ventilation, fixtures, furniture, surgical and medical appliances, or directing the appointment of any officer, or prescribing the maximum numbers of paupers to be maintained in any workhouse or asylum, or the classification of such paupers, such guardians or managers, shall be deemed to be in default, and the Poor Law Board may, if they think fit, omit from their precept for such half-year, addressed to the receiver of the Common Poor Fund, the sum which such guardians or the guardians of the unions and parishes comprised in the district to which the asylum belongs, would have been entitled to be repaid under this Act if there had been no such default: provided that if such guardians or managers shall comply with such order before the termination of the next ensuing half-year, it shall be lawful for the Poor Law Board to include in their precept for that half year the sums so omitted from their precept for the previous half-year.

2. *The maintenance of officers to be allowed as part of their salaries.*] The term "salaries of officers," referred to in the said sixty-ninth section of the said Metropolitan Poor Act, shall include the cost of the rations of the officers therein described, according to a scale to be fixed by the Poor Law Board.

3. *Financial statement of guardians.*] Within one month of each audit of the accounts of the board of guardians of any union or parish in the metropolis, such board shall deliver, by post or otherwise, to each vestry within such union or parish, one or more copies of the financial statement of such guardians, showing the receipts, expenditure, and liabilities, for the half-year, as audited.

4. *Construction. Short title.*] This Act shall be construed in like manner as the Metropolitan Poor Act of 1867, and shall be termed The Metropolitan Poor Amendment Act, 1870.

CAP. XIX.

An Act to amend the Railway Companies Powers Act, 1864, and the Railway Construction Facilities Act, 1864.

[20th June, 1870.]

Whereas it is expedient to amend The Railway Companies Powers Act, 1864, and also The Railways Construction Facilities Act, 1864:

Be it therefore enacted, &c.

1. *Short title.*] This Act may be cited for all purposes as The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870.

2. *Parts of Acts herein named repealed.*] From and after the passing of this Act, there shall be repealed sections seven and eight of The Railway Companies Powers Act, 1864, and Part I. of the schedule annexed to the said Act; and sections nine and ten of The Railways Construction Facilities Act, 1864, and Part I. of the schedule annexed to the said Act.

3. *Powers of Board of Trade where notice of opposition lodged.*] Any railway or canal company, which for the purposes of this Act shall include the owners, lessees, or proprietors of any canal or inland navigation, may, in case it desires to be heard by counsel, agents, and witnesses against any application for a certificate under The Railway Companies Powers Act, 1864, or for a certificate authorising any proposed undertaking under The Railways Construction Facilities Act, 1864 (each of which Acts is in this Act respectively referred to as the "Act of application"), lodge at the office of the Board of Trade, within the time prescribed by the schedule to this Act annexed, a notice in writing to that effect (in this Act referred to as a "notice of opposition"), in the forms set forth in the same schedule, with such variations as circumstances require.

Where a notice of opposition has been lodged the Board of Trade may nevertheless, if they think fit, proceed upon the application, but they shall in such case settle a provisional certificate in accordance with the provisions of this Act.

Every provisional certificate under this Act shall be settled in like manner, shall certify to the like effect, and contain the like provisions in every respect as if the same were a draft certificate settled by the Board of Trade, under the authority of the Act of application in a like case, but where no notice of opposition was lodged.

When any such provisional certificate is confirmed in manner by this Act provided, the same shall have all the force and operation of a certificate duly made and issued by the Board of Trade, under the authority of the Act of application, but previously to such confirmation it shall not be of any validity whatsoever.

When any provisional certificate is settled under this Act notice thereof shall be given by the promoters in like manner as if the same were a draft certificate under the Act of application according to the provisions of such Act in that behalf.

As to payment of costs of orders.] The costs of and connected with the preparation and making of each provisional certificate shall be paid by the promoters, and the Board of Trade may require the promoters to give security for such costs before they proceed with the provisional certificate.

4. *Confirmation of provisional certificate by Act of Parliament.*] On proof to the satisfaction of the Board of Trade that notice of such certificate was duly given in manner aforesaid, the Board of Trade shall, as soon as they conveniently can after the expiration of seven days after such proof, procure bill to be introduced into either House of Parliament for an Act to confirm the provisional certificate, which shall be set out at length in the schedule to the bill.

If while any such bill is pending in either House of Parliament a petition is presented against any provisional certificate comprised therein, the bill, so far as it relates to the

certificate petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a bill for a special Act.

The provisions of the Act of this present session of Parliament, intituled "An Act to Empower Committees on Bills Confirming Provisional Orders to Award Costs and to Examine Witnesses on Oath," shall extend and apply to any select committee to whom any bill to confirm a provisional certificate under this Act has been referred, in like manner and subject to the same conditions in every respect as if such provisional certificate were a provisional order.

The Act of Parliament confirming any provisional certificate shall be deemed a public general Act.

5. Section 33 of 27 & 28 Vict. c. 121 repealed.] From and after the passing of this Act, section 33 of the said Railways Construction Facilities Act, 1864, relating to the gauge of railways, shall be and the same is hereby repealed, and every railway made under the authority of a certificate under the said Act or this Act shall be made on such gauge as shall be prescribed by such certificate.

Application of sections 4, 6, 7, and 8, of 9 & 10 Vict. c. 57.] Sections 4, 6, 7, and 8 of the Act of the session of the 9th and 10th years of the reign of her present Majesty, chapter 57, intituled "An Act for Regulating the Gauge of Railways," shall apply to any railway made under the authority of any such certificate as aforesaid, and to the gauge thereby prescribed.

Gauge of railways.] For the purposes of such application the provisions of the certificate relating to gauge shall be deemed to be included in the provisions of the said Act of the 9th and 10th years of the reign of her present Majesty, chapter 57.

6. Amendment of part IV. of the schedule to 27 & 28 Vict. c. 121.] All enactments amending, perpetuating, or otherwise affecting the enactments described in part IV. of the schedule to the said Railways Construction Facilities Act, 1864, and which are now in force, or which may hereafter become law, shall, in like manner and subject to the like variations and provisions as the enactments described in the said schedule, extend and apply, as the case may require, to the railway, and to the company or persons empowered by the certificate under the said Act, or this Act to make the railway, and shall in all respects operate in relation thereto respectively as if they were expressly repeated and re-enacted in the said Act, save where the same are expressly varied or excepted by such certificate.

The SCHEDULE referred to in the foregoing Act.

Notice of opposition.

In the matter of

The Railways Companies Powers Act, 1864, and The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870, and

The application of the — Railway Company for a certificate, the draft whereof is intituled [set out title].

We, the — Railway [or Canal] Company hereby declare and give notice that we desire to be heard by counsel, agents, and witnesses, against the granting to the abovementioned railway company of the powers sought to be obtained by them by the above-mentioned application.

Dated this — day of — 18 —.

Witness, A.B.

L.S.

Or,

Notice of opposition.

In the matter of

The Railways Construction Facilities Act, 1864, and The Railways (Powers and Construction) Act, 1864, Amendment Act, 1870,

The (proposed) — Railway.

We, the — Railway [or Canal] Company hereby declare and give notice that we desire to be heard by counsel, agents, and witnesses, against the above-mentioned proposed undertaking.

Dated this — day of — 18 —.

Witness, A.B.

L.S.

Time for lodging notice of opposition.

Notice of opposition by a railway or canal company is to be lodged at the office of the Board of Trade, not later than the 1st day of August, or the 1st day of January, next succeeding the date of the advertisement of application, according as the same is published in the month of June or in the month of November.

CAP. XX.

An Act to amend the Mortgage Debenture Act, 1865. [4th July, 1870.]

Whereas it is expedient that the Mortgage Debenture Act, 1865, (hereinafter called "the principal Act,") should be amended:

Be it therefore enacted, &c.

1. *This Act and 28 & 29 Vict. c. 78, to be construed together.*] This Act shall be construed as one with the Mortgage Debenture Act, 1865, (which is hereinafter referred to as "the principal Act,") and may be cited for all purposes as "The Mortgage Debenture (Amendment) Act, 1870."

2. *Interpretation of terms.*] The expression "the company" when used in this Act has the same meaning as that attached to it in the principal Act.

3. *Repeal of sections of principal Act.*] Sections 5, 12, 14, 16, 17, 20, 24, 26, 28 and 36 of the Mortgage Debenture Act, 1865, are hereby repealed.

4. *Nature of securities on which debentures may be founded.*] The securities upon and in respect of which mortgage debentures may be founded and issued under the authority of the principal Act shall be securities affecting property in England or Wales of the following descriptions:—

(a.) Lands, messuages, hereditaments, or real property, or some estate or interest therein:

(b.) Rates, dues, assessments, or impositions upon the owners or occupiers of lands, messuages, hereditaments, or real property imposed by or under the authority of any act of Parliament, public or private, royal charter, commission of sewers or drainage, or other sufficient legal authority:

(c.) Charges upon or affecting lands, messuages, hereditaments, or real property executed, made, given, or issued under the authority of any act of Parliament, public or private:

But from the securities described in paragraph (a.) shall be excepted securities upon mines or mineral property, quarries, brickfields, and factories, mills, and other buildings or works for manufacturing purposes, and also securities upon leasehold estates determinable upon a life or lives, and not renewable, or held for a term of which at the date of the security less than fifty years shall be unexpired, or which are held at a rent beyond one fourth part of the annual value of the property leased as estimated at the date of the security given to the company and verified by the statutory declaration of a surveyor as hereinafter provided with respect to the value of the securities to be registered.

In construing this Act the word "securities" shall be deemed to mean such securities as above defined and restricted, and no others.

5. *Statutory declaration in lieu of voluntary declaration.*]

In lieu of the voluntary declaration required by section 10 of the principal Act to be made by the surveyor or valuer therein mentioned, a statutory declaration in the same form or in the form (A.) in the schedule hereto, or to the like effect, shall hereafter be requisite.

6. *Company to file return in office of Land Registry.*] Before any company shall be entitled to avail itself of the provisions of the principal Act and this Act such company shall file in the office of the Land Registry a return containing the following and such other particulars as the registrar may from time to time require, which return shall be under the hand of one, at least, of the directors of the company and the secretary.

(a.) The amount of the nominal capital of the company:

(b.) The amount per share and the aggregate amount paid up on the shares:

(c.) The assets or property of the company at the date of the return, and how invested:

(d.) The names, addresses, and occupations of the directors and auditors of the company:

(e.) The registered office of the company.

7. *Registered securities charged with payment of debentures and not applicable for any other purpose until discharged from registration.*] All the registered securities for the time being of the company shall be charged with the payment of the principal moneys and interest from time to time payable upon or in respect of all the mortgage debentures of the company for the time being issued and outstanding; and no

registered security until discharged therefrom, as herein-after provided, shall be applicable to or available for any other purpose than the satisfaction of such principal moneys and interest, to be transferred, disposed of, or otherwise dealt with by the company, unless and until the same shall have been discharged from registration in the manner hereinafter provided: provided, nevertheless, that such registration shall not prevent the company from receiving, applying, and giving a valid discharge for any instalments payable by the terms of the deed creating the security or any annuities or interest which may from time to time be receivable upon or in respect of any such security, unless where a receiver shall have been actually appointed under the provisions of the principal Act.

8. *Proceedings on redemption of securities.*] Whenever any person for the time being entitled to redeem a security which has been registered under the provisions of this or the principal Act has given notice to the company of his intention so to do, or if the company shall themselves at any time be desirous of freeing and discharging any registered security, the company, in the case first mentioned, shall, before the day appointed for the redemption, and, in the case secondly mentioned, may at any time make application to the registrar for the purpose of having such respective security freed and discharged from the charge of the mortgage debentures issued by the company; and upon its being made to appear to his satisfaction that the aggregate of the principal sums secured by all the mortgage debentures of the company then outstanding does not exceed the total amount (to be ascertained in the manner provided by the principal Act) of the registered securities of the company at the time being, exclusive of that proposed to be discharged he shall allow the same to be so freed and discharged, and shall cause an entry to be made in the register of securities of the said security being discharged, and shall on request re-deliver to the company the several deeds or instruments to which such security relates, and which were delivered to the registrar for registration under the provisions in that behalf contained in the principal Act, and such entry shall be conclusive evidence of such discharge.

9. *Owner of registered security upon default of company may obtain the discharge thereof from company's debentures.*] If in the case first mentioned in the last preceding section the company shall have made default in procuring the discharge on or before the day appointed for redemption, the person so entitled to redeem, and who has given notice as aforesaid of his intention to redeem, may apply to the High Court of Chancery, by summons, calling upon the company to show cause why such security is not so discharged, and upon hearing such summons the judge shall appoint a day by which the discharge shall be obtained, and in default thereof shall order that the amount of principal and interest money due upon such security shall, by day to be named in the order, be paid into the bank, to the credit of the Accountant-General of the Court of Chancery, to the account of the company's mortgage debentures, and shall make such order as to the costs of and incidental to the application as the court may deem just.

Upon production to and deposit with the land registrar of such order, together with the Accountant-General's certificate of such payment into court, as aforesaid, the registrar shall make an entry in the proper register of securities of the discharge of such security from the company's mortgage debentures, and shall deliver to the person named in such order the several deeds and instruments to which such security relates, and which were delivered to the registrar under the provisions herein contained.

Upon the company proving to the satisfaction of the court by the production of a certificate of the registrar, either that a security at least equal in value to the sum so paid into court as aforesaid has been registered as aforesaid, or that an equivalent amount of the company's mortgage debentures has been cancelled, the court shall direct the payment out of court to the company of the amount so paid in, together with any dividends that may have accrued due thereon in the meantime.

10. *Discharge of part of a mortgage security.*] Whenever any person who has executed a mortgage security which has been registered under the provisions of this or the principal Act is desirous to redeem a part of such security, and of having such part freed and discharged from the mortgage debentures for the time being issued by the company, and then outstanding, the company may make application to

the registrar for the purpose of having such part freed and discharged from such mortgage debentures; and upon it being made to appear to the satisfaction of the registrar, by the statutory declaration of a surveyor approved by the Inclosure Commissioners, that the principal moneys secured on the residue of the mortgage security do not exceed two thirds of the value thereof, and upon it also being made to appear to the satisfaction of the registrar that the aggregate of the principal sums secured by all the mortgage debentures of the company then outstanding does not exceed the total amount (to be ascertained in manner provided by the principal Act) of the registered securities of the company at the time being, exclusive of the part of the security proposed to be discharged, he shall allow the same to be so freed and discharged, and shall cause an entry to be made, in the register of securities of such discharge, and shall on request, re-deliver to the company the several deeds or instruments, if any, which exclusively relate to the part so discharged, and which were delivered to the registrar for registration under the provisions in that behalf contained in the principal Act, and such entry shall be conclusive evidence of such discharge.

11. *Inspection of registers and returns.*] Subject to the regulations mentioned in section 19 of the principal Act, and on payment of such fees as the registrar, with the sanction of the Lord Chancellor, from time to time prescribes, any person may inspect and make copies of and extracts from the register of securities, the register of mortgage debentures, and the returns made by the company to the registrar under the provisions of the principal Act.

12. *Additional particulars to be contained in quarterly returns to registrar.*] In addition to the particulars required to be contained in the quarterly return to be made by the company to the registrar by the 23rd section of the principal Act, every such quarterly return shall contain the following particulars:—

(a.) The names, addresses, and occupations of the directors and auditors of the company:

(b.) The registered office of the company.

13. *What to be deemed value of mortgage or security.*] Where, by any mortgage or other like security to the company, the principal is expressly distinguished from the interest, and such principal is made payable by periodical payments, the amount or value of such mortgage or security shall for the purpose of the quarterly returns be deemed to be the amount of principal money exclusive of interest remaining unpaid thereon at the date of the quarterly return.

14. *In certain cases value of annuities to be estimated by an actuary.*] In all cases not provided for by the last section, the amount or value of the annuities and other periodical payments to be comprised in the quarterly returns shall be ascertained or estimated by an actuary approved by the registrar.

15. *Form of mortgage debenture.*] Every mortgage debenture from time to time issued by the company shall be a deed under the common seal of the company duly stamped as a mortgage for the amount secured, and bearing the signatures of at least two of the directors, and the counter-signature of the manager, secretary, or accountant of the company, and shall be in accordance with the form (B.) in the schedule to this Act, or as near thereto as circumstances admit.

16. *Terms on which mortgage debentures may be issued.*] The mortgage debentures shall be for the payment of principal sums, either at a fixed time to be named therein, not less than six months nor exceeding ten years from the date, or at any time on six calendar months' previous notice being given to the company by the holder for the time being of the mortgage debenture, or by the company to the holder for the time being of the mortgage debenture, with interest thereon in the meantime at such rate as may be agreed, payable half-yearly or otherwise, and no mortgage debenture shall be issued for a less principal sum than fifty pounds.

17. *Entry in register of discharge of mortgage debenture.*] When a mortgage debenture is produced by the company to the registrar discharged or cancelled he shall make in the register of mortgage debentures an entry of the discharge thereof.

18. *Company not exempt from Joint Stock Companies Act.*] Nothing in this Act shall exempt the company from the

provisions of any Act relating to joint stock companies, and applicable to the company.

SCHEDULE.

FORM (A.)

Form of the surveyor's or valuer's declaration.

[Here insert a copy of the return to be made by the company on application to register securities, distinguishing each security by a separate letter or number.]

I —— of —— do solemnly and sincerely declare that the information above contained with respect to the security numbered or lettered —— is, to the best of my information and belief correct, and that the value of the property above described (and, if the borrower's interest is of a limited nature, the value of the borrower's estate and interest in the property above described) exceeds the amount of £——, the advance made by the company in respect thereof (and, if there are prior charges, of the prior charges thereon), to the extent of one third at least of such value (and, if the borrower's interest is that of a leaseholder, that the rent reserved by the lease under which the property above described is held, does not exceed one fourth of the annual value thereof at the present time).

[A separate declaration shall be made in respect of each security, and where the mortgage or charge is secured exclusively upon any of the securities comprised in section 5 (b and c) omit from the word "declare" to the end, and insert "to the best of my information and belief the security above described and numbered ——, is now of the value of £——."]

FORM (B.)

Form of mortgage debenture.

The —— Company.

Mortgage debenture No. ——.

By virtue of the Mortgage Debenture Act, 1865, we the —— company, in consideration of £—— paid to us by A. B. of ——, do hereby charge all the registered securities of the company with the payment to the said A. B., his executors, administrators, and assigns, of the sum of £—— and interest thereon at the rate of —— per cent. per annum, which sum of £——, to be paid and payable to the said A. B., his executors, administrators, and assigns, at the —— [place], on the —— day of —— (or on the expiration of six calendar months from the leaving at the registered office of the company of notice in writing from the said A. B., his executors, administrators, or assigns, requiring such payment, or on the expiration of six calendar months from the day succeeding the posting of a registered letter containing notice in writing from the company of their intention to repay the said sum of £——), with interest on the same at the rate of —— per cent. per annum, payable half-yearly at said place on every —— day of —— and —— day of ——, and we hereby undertake to pay said sum of £—— and interest at the rate aforesaid, as above mentioned.

Given under our common seal, this —— day of ——

A. B., Director.

C. D., Director.

Countersigned, G. F., Secretary.

Registered

CAP. XXI.

An Act to disfranchise the boroughs of Bridgwater and Beverley. [4th July, 1870.]

CAP. XXII.

An Act to confirm a certain provisional order made under an Act of the 15th year of her present Majesty, to facilitate arrangements for the relief of turnpike trusts. [4th July, 1870.]

CAP. XXIII.

An Act to abolish forfeitures for treason and felony, and to otherwise amend the law relating thereto.

[4th July, 1870.]

Whereas it is expedient to abolish the forfeiture of lands and goods for treason and felony, and to otherwise amend the law relating thereto:

Be it enacted, &c.

1. *Forfeiture &c. abolished.*] From and after the passing of this Act, no confession, verdict, inquest, conviction, or

judgment of or for any treason or felony or *felo de se* shall cause any attainder or corruption of blood, or any forfeiture or escheat, provided that nothing in this Act shall affect the law of forfeiture consequent upon outlawry.

2. *Conviction for treason or felony to be a disqualification for offices, &c.]* Provided, nevertheless, that if any person hereafter convicted of treason or felony, for which he shall be sentenced to death, or penal servitude, or any term of imprisonment with hard labour, or exceeding twelve months, shall at the time of such conviction hold any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or any place, office or emolument in any university, college, or other corporation, or be entitled to any pension or superannuation allowance payable by the public, or out of any public fund, such office, benefice, employment, or place shall forthwith become vacant, and such pension or superannuation allowance or emolument shall forthwith determine and cease to be payable, unless such person shall receive a free pardon from her Majesty, within two months after such conviction, or before the filling up of such office, benefice, employment, or place if given at a later period; and such person shall become, and (until he shall have suffered the punishment to which he had been sentenced or such other punishment as by competent authority may be substituted for the same, or shall receive a free pardon from her Majesty), shall continue thenceforth incapable of holding any military or naval office, or any civil office under the crown, or other public employment, or any ecclesiastical benefice, or of being elected, or sitting, or voting as a member of either House of Parliament, or of exercising any right of suffrage or other parliamentary or municipal franchise whatever within England, Wales, or Ireland.

3. *Persons convicted of treason or felony may be condemned in costs.]* It shall be lawful for any court by which judgment shall be pronounced or recorded, upon the conviction of any person for treason or felony, in addition to such sentence as may otherwise by law be passed, to condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he shall be convicted, if to such Court it shall seem fit so to do; and the payment of such costs and expenses, or any part thereof, may be ordered by the Court to be made out of any moneys taken from such person on his apprehension, or may be enforced at the instance of any person liable to pay, or who may have paid the same, in such and the same manner (subject to the provisions of this Act) as the payment of any costs ordered to be paid by the judgment or order of any Court of competent jurisdiction in any civil action or proceeding may for the time being be enforced: provided, that in the meantime and until the recovery of such costs and expenses from the person so convicted as aforesaid, or from his estate, the same shall be paid and provided for in the same manner as if this Act had not passed; and any money which may be recovered in respect thereof from the person so convicted, or from his estate, shall be applicable to the reimbursement of any person or fund by whom or out of which such costs and expenses may have been paid or defrayed.

4. *Compensation to persons defrauded or injured by felony.]* It shall be lawful for any such court as aforesaid, if it shall think fit, upon the application of any person aggrieved, and immediately after the conviction of any person for felony, to award any sum of money, not exceeding £100, by way of satisfaction or compensation for any loss of property suffered by the applicant through or by means of the said felony, and the amount awarded for such satisfaction or compensation shall be deemed a judgment debt due to the person entitled to receive the same from the person so convicted, and the order for payment of such amount may be enforced in such and the same manner as in the case of any costs ordered by the Court to be paid under the last preceding section of this Act.

5. *The word "forfeiture" defined.]* The word "forfeiture," in the construction of this Act, shall not include any fine or penalty imposed on any convict by virtue of his sentence.

6. *The word "convict" defined.]* The expression "convict," as hereinafter used, shall be deemed to mean any person against whom, after the passing of this Act, judgment of death, or of penal servitude, shall have been pro-

nounced or recorded by any court of competent jurisdiction in England, Wales, or Ireland upon any charge of treason or felony.

7. *When convict shall cease to be subject to operation of the Act.*] When any convict shall die or be made bankrupt, or shall have suffered any punishment to which sentence of death if pronounced or recorded against him may be lawfully commuted, or shall have undergone the full term of penal servitude for which judgment shall have been pronounced or recorded against him, or such other punishment as may by competent authority have been substituted for such full term, or shall have received her Majesty's pardon for the treason or felony of which he may have been convicted, he shall thenceforth, so far as relates to the provisions hereinafter contained, cease to be subject to the operation of this Act.

8. *Convict disabled to sue for or to alienate property, &c.*] No action at law or suit in equity for the recovery of any property, debt, or damage whatsoever shall be brought by any convict against any person during the time while he shall be subject to the operation of this Act; and every convict shall be incapable, during such time as aforesaid, of alienating or charging any property, or of making any contract, save as hereinafter provided.

9. *The Crown may appoint administrators of any convict's property.*] It shall be lawful for her Majesty, or for any person in that behalf authorised by her Majesty, under her royal sign manual (and which authority may be given either generally or with reference to any particular case), if to her Majesty or to the person so authorised it shall seem fit, by writing under her Majesty's royal sign manual, or under the hand of the person so authorised as aforesaid, to commit the custody and management of the property of any convict, during her Majesty's pleasure, to an administrator, to be by such writing appointed in that behalf; and every such appointment may be revoked by the same or the like authority by which it is made; and upon any determination thereof, either by revocation or by the death of any such administrator, a new administrator may be appointed by the same or the like authority from time to time; and every such new administrator shall, upon his appointment, be and be deemed to be the successor-in-law of the former administrator; and all property vested in, and all powers given to, such former administrator by virtue of this Act shall thereupon devolve [to and become vested in such successor, who shall be bound by all acts lawfully done by such former administrator during the continuance of his office; and the provisions hereinafter contained with reference to any administrator shall, in the case of the appointment of more than one person, apply to such administrators jointly.

10. *Convict's property to vest in administrators on their appointment.*] Upon the appointment of any such administrator in manner aforesaid all the real and personal property, including choses in actions, to which the convict named in such appointment was at the time of his conviction, or shall afterwards while he shall continue subject to the operations of this Act, become or be entitled, shall vest in such administrator for all the estate and interest of such convict therein.

11. *Remuneration of administrators.*] If, in the instrument by which any such administrator is appointed, provision shall be made for the remuneration of such administrator out of the property of the convict, the said administrator may receive and retain for his own benefit such remuneration accordingly.

12. *Powers of administrators.*] The administrator shall have absolute power to let, mortgage, sell, convey, and transfer any part of such property as to him shall seem fit.

13. *Administrator to pay out of property costs of prosecution and costs of executing this Act.*] It shall be lawful for the administrator to pay or cause to be paid out of such property, or the proceeds thereof, all costs and expenses which the convict may have been condemned to pay; and also all costs, charges, and expenses incurred by such convict in and about his defence; and also all such costs, charges, and expenses as the said administrator may incur or be put to in or about the carrying this Act into execution with reference to such property, or with reference to any claims which may be made thereon.

14. *Administrator may pay out of property debts or liabilities of convict.*] The administrator may cause payment or satisfaction to be made out of such property of any debt or liability of such convict which may be established in due course of law, or may otherwise be proved to his satisfaction, and may also cause any property which may come to his hands to be delivered to any person claiming to be justly entitled thereto, upon the right of such person being established in due course of law, or otherwise to his satisfaction.

15. *Administrators may make compensations out of property to persons defrauded by criminal acts of convict.*] The administrator may cause to be paid or satisfied out of such property such sum of money by way of satisfaction or compensation for any loss of property or other injury alleged to have been suffered by any person through or by means of any alleged criminal or fraudulent act of such convict, as to him shall seem just, although no proof of such alleged criminal or fraudulent act may have been made in any court of law or equity; and all claims to any such satisfaction or compensation may be investigated in such manner as the administrator shall think fit, and the decision of the administrator thereon shall be binding; provided always, that nothing in this Act shall take away or prejudice any right, title, or remedy to which any person alleging himself to have suffered any such loss or injury would have been entitled by law if this Act had not passed.

16. *Administrator may make allowances out of property for support of family of convict.*] The administrator may cause such payment and allowances for the support or maintenance of any wife or child, or reputed child of such convict, or of any other relative or reputed relative of such convict dependent upon him for support, or for the benefit of the convict himself, if and while he shall be lawfully at large under any licence, as to such administrator shall seem fit, to be made from time to time out of such property, or the income thereof.

17. *Exercise of administrator's power as to priority of payments; payments by administrator for purposes of Act not to be called in question.*] The several powers hereinbefore given to the said administrator, or any of them, may be exercised by him in such order and course, as to priority of payments or otherwise, as he shall think fit; and all contracts of letting or sale, mortgages, conveyances, or transfers of property, bona fide made by the said administrator under the powers of this Act, and all payments or deliveries over all property bona fide made by or under the authority of the said administrator for any of the purposes hereinbefore mentioned, shall be binding; and the propriety thereof, and the sufficiency of the grounds on which the said administrator may have exercised his judgment or discretion in respect thereof, shall not be in any manner called in question by such convict, or by any person claiming an interest in such property by virtue of this Act.

18. *Property to be preserved for convict, and to revert to him or his representatives on completion of sentence, pardon, or death.*] Subject to the powers and provisions hereinbefore contained, all such property and the income thereof shall be preserved and held in trust by the said administrator, and the income thereof may, if and when the said administrator shall think proper, be invested and accumulated in such securities as he shall from time to time think fit, for the use and benefit of the said convict, and his heirs, or legal personal representatives, or of such other persons as may be lawfully entitled thereto, according to the nature thereof; and the same, and the possession, administration, and management thereof shall re-vest in and be restored to such convict upon his ceasing to be subject to the operation of this Act, or in and to his heirs or legal personal representatives, or such other persons as may be lawfully entitled thereto; and all the powers and authorities by this Act given to the said administrator shall from thenceforth cease and determine, except so far as the continuance thereof may be necessary for the care and preservation of such property or any part thereof, until the same shall be claimed by some person lawfully entitled thereto, or for obtaining payment out of such property, or of the proceeds thereof, of any liabilities, or any costs, charges, or expenses, for which provision is made by this Act; for which purposes such powers and authorities shall continue to be in force until possession of such property shall be delivered up by the said administrator to some person being or claiming to be lawfully entitled thereto.

19. *Administrators not to be liable, except for what they receive.*] The said administrator shall not be answerable to any person for any property which shall not actually have come to his hands by virtue of this Act, nor for any loss or damage which may happen through any mere omission or nonfeasance on his part to any property vested in him by virtue hereof.

20. *Administrator to receive costs of suits of property as between solicitor and client.*] The costs as between solicitor and client of every action or suit which may be brought against the said administrator with reference to any such property as aforesaid, whether during the time while the same shall be and continue vested in him under this Act, or after the same shall cease to be so vested, and all charges and expenses properly incurred by him with reference thereto, shall be a first charge upon and shall be paid out of such property, unless the Court before which such action is tried or such suit is heard shall think fit otherwise to order.

21. *If no administrator, interim curator may be appointed by justices.*] If no such administrator as aforesaid shall have been appointed an interim curator of the property of any convict may be appointed by any justices of the peace in petty sessions assembled, or, where there are no petty sessions, by any justice of the peace having jurisdiction in the place where such convict before his conviction shall have last usually resided, upon the application of any person who shall be able to satisfy such justice that the application is made bona fide with a view to the benefit of the convict or of his family, or to the due and proper administration and management of his property and affairs; and the interim curator to be appointed may be either the person making the application, or any other person willing to accept the office, and competent to discharge its duties, as to such justice shall seem fit.

22. *Proceedings before justices.*] Before making any such appointment the justice shall require the applicant to make oath that no administrator or interim curator of the property of such convict has been to his knowledge or belief already appointed; and the applicant shall also state upon oath, to the best of his knowledge and belief, who are the nearest relatives (including any husband or wife) of such convict, and (if any such there be) where they are residing, and whether any and which of them have consented to or have had notice of such application; and it shall be competent for such justice to require notice of such application to be given to all such persons and in such manner as to such justice shall seem fit.

23. *Removal of interim curator for cause shown.*] Any interim curator so appointed may be removed, for any cause shown to the satisfaction of the justices or justice or the Court, upon the application of any relative of the convict, or of any person interested in the due and proper administration and management of his property and affairs, either by the petty sessions or justice by whom he was appointed (or, in the event of such justice dying or being unable to act, by any other justice having the like jurisdiction), or by any Court in which proceedings for an account may be instituted as hereinafter provided; and upon the death or removal of any such interim curator a new interim curator may be appointed in the same manner and by the like authority as aforesaid, or (in case any such proceedings shall be then depending) by the court in which any such proceedings shall be so depending as aforesaid.

24. *Powers of interim curator.*] Every interim curator so appointed as aforesaid shall have power (unless and until an administrator shall be appointed under this Act, in which case the authority of such interim curator shall thenceforth cease and determine) to sue in his own name as such interim curator, at law or in equity, for the possession and recovery of any part of the property in respect of which he shall have been so appointed, or for damages in respect of any injury thereto, and to defend in his own name as such interim curator any action or suit brought against such convict or against himself in respect of such property, and to receive and give legal discharges for all rents, dividends, interest, and income of or arising from such property, and also to receive and give discharges for any debts due to such convict, or forming part of his property, and to pay and discharge all or any debts due from such convict out of such property, and to settle and adjust accounts with any debtor or creditor of such convict, and generally to manage and administer the property of such convict; and also to make or cause to be

made such payments and allowances for the support or maintenance of any wife or child of such convict, or of any other relative dependent on him for support, as shall be specially authorised by any such justice or court aforesaid (who shall have power from time to time to authorise the same), or by any other court having competent jurisdiction to authorise the same, out of the income of such property, or (in case such income shall be insufficient for that purpose) out of the capital thereof; and every such interim curator shall be entitled to retain out of such property, or out of the income thereof, all his costs, charges, and expenses properly incurred in and about the discharge of his duties as such curator.

25. *Personal property may be sold by interim curator under special order.*] Any personal property of such convict may be sold and transferred by such interim curator by and with the authority of such justice or court as aforesaid, or of any other court having competent jurisdiction to order the same, but not otherwise; and such interim curator shall be accountable for the proceeds of any property so sold in the same manner as for such property while remaining unsold.

26. *Proceedings by or against interim curator not to abate if administrator is appointed.*] All proceedings at law or in equity duly instituted by or against any such interim curator may (in case of an administrator or a new interim curator being afterwards appointed) be continued by or against such administrator or such new interim curator without any abatement thereof, the appointment of such administrator or new interim curator being entered by way of suggestion on the record, or otherwise stated upon the proceedings, according to the practice of such court; and all acts lawfully done, and contracts lawfully made by such interim curator with respect to any property of such convict before the appointment of such administrator or such new interim curator shall be binding upon such administrator or such new interim curator after his appointment.

27. *Execution of judgments against convict provided for.*] All judgments or orders for the payment of money of any court of law or equity against such convict which shall have been duly recovered or made, either before or after his conviction, may be executed against any property of such convict under the care and management of any such interim curator as aforesaid, or in the hands of any person who may have taken upon himself the possession or management thereof without legal authority, in the same manner as if such property were in the possession or power of such convict; and all such judgments or orders may likewise be executed by writ of *scire facias* or otherwise, according to the practice of the court, against any such property which may be vested in any administrator of the property of such convict under the authority of this Act.

28. *Proceedings may be taken to make administrator or interim curator, &c., accountable before property reverts to convict.*] It shall be competent for her Majesty's Attorney-General, or other the chief law officer of the Crown for the time being in any part of her Majesty's dominions, or for any person who (if such convict were dead intestate) would be his heir-at-law, or entitled to his personal estate or any share thereof, under the Statutes of Distribution or otherwise, or for any person authorised by her Majesty's Attorney-General, or by such chief law officer as aforesaid, in that behalf, to apply in a summary way to any court which (if such convict were dead) would have jurisdiction to entertain a suit for the administration of his real or personal estate, to issue a writ of summons calling upon any administrator or interim curator of the property of such convict appointed under this Act, or any person who without legal authority shall have possessed himself of any part of the property of such convict, to account for his receipts and payments in respect of the property of such convict, in such manner as such court shall direct; and it shall be lawful for such court thereupon to issue such writ of summons, and to enforce obedience thereto, and to all orders and proceedings of such court consequent thereon, in the same manner as in any other case of process lawfully issuing out of such court; and such court shall thereupon have full power, jurisdiction, and authority to take all such accounts, and to make and give all such orders and directions as to it shall seem proper or necessary, for the purpose of securing the due and proper care, administration, and management of the property of such convict, and the due and proper application of the same, and of the income thereof, and the accumulation and investment of such balances, if any, as may from time to

time remain in the hands of any such administrator or interim curator, or other person as aforesaid, in respect of such property; and so long as any such proceedings shall be pending in any such court, every such administrator or interim curator, or other person, shall act in the exercise of all powers vested in him under this Act, or otherwise in all respects as such court shall direct; and it shall be lawful for such court (if it shall think fit) to authorise and direct any act to be done by any such interim curator which might competently be done by an administrator duly appointed under this Act.

29. *Administrator, &c., to be accountable to convict when property reverts.*] Subject to the provisions of this Act, every such administrator, interim curator, and other person as aforesaid shall, from and after the time when such convict shall cease to be subject to the operation of this Act, be accountable to such convict for all property of such convict which shall have been by him possessed or received and not duly administered, in the same manner in which any guardian or trustee is now accountable to his ward or cestui que trust; but subject nevertheless and without prejudice to the administration and application of such property under and according to the powers of this Act.

30. *Property of convict acquired while lawfully at large not to be subject to the operation of this Act.*] Provided always, that no property acquired by a convict during the time which he shall be lawfully at large under any licence shall vest in any administrator appointed under this Act, but such convict shall be entitled thereto without any interference on the part of any administrator or interim curator appointed under this Act, and during the time last aforesaid the disabilities mentioned in the eighth section of this Act shall, as to such convict, be suspended.

31. *Judgment in cases of high treason.*] From and after the passing of this Act such portions of the Acts of the 30th year of George the 3rd, chapter 48, and the 54th year of George the 3rd, chapter 146, as enacts that the judgment required by law to be awarded against persons adjudged guilty of high treason shall include the drawing of the person on a hurdle to the place of execution, and, after execution, the severing of the head from the body, and the dividing of the body into four quarters, shall be and are hereby repealed.

32. *Saving of general law as to felony.*] Provided always, that nothing in this Act shall be deemed to alter or in any wise affect the law relating to felony in England, Wales, or Ireland, except as herein is expressly enacted.

33. *Extent of Act.*] This Act shall not apply to Scotland.

CAP. XXIV.

An Act for making further provision respecting the borrowing of money by the Metropolitan Board of Works. [4th July, 1870.

1. *Short titles and construction.*
2. *Composition for stamp on transfers of existing stock.*
3. *Composition for stamp on transfers of future stock.*
4. *Composition for stamp on transfers of terminable annuities.*
5. *Exemption of transfers from stamp.*
6. *Payment of composition, and recovery thereof.*
7. *Amendment of section 11 of former Act.*
8. *Alteration of reference as to stock certificates.*

CAP. XXV.

An Act to disfranchise certain voters of the City of Norwich. [4th July, 1870.

CAP. XXVI.

An Act to regulate the sale of poisons in Ireland. [14th July, 1870.

CAP. XXVII.

An Act for the protection of inventions exhibited at international exhibitions in the United Kingdom. [14th July, 1870.

1. *Short title.*
2. *Exhibition of new inventions not to prejudice patent rights.*

3. *Exhibition of designs not to prejudice right to registration.*
4. *Application of Act to international exhibitions in general.*

CAP. XXVIII.

An Act to amend the law relating to the remuneration of attorneys and solicitors. [14th July, 1870.

Whereas it is expedient to amend the law relating to the remuneration of attorneys and solicitors:

Be it enacted, &c.

Preliminary.

1. *Short title.*] This act may be cited as "The Attorneys' and Solicitors' Act, 1870."

2. *Extent of Act.*] This Act shall not extend to Scotland.

3. *Interpretation of terms.*] In the construction of this Act, unless where the context otherwise requires, the words following have the significations hereinafter respectively assigned to them; that is to say,

The words "attorney or solicitor" mean an attorney solicitor, or proctor, qualified according to the provisions of the Acts for the time being in force, relating to the admission and qualification of attorneys, solicitors or proctors:

"Person" includes a corporation:

"Client" includes any person who, as a principal or on behalf of another person, retains or employs, or is about to retain or employ, an attorney or solicitor, and any person who is or may be liable to pay the bill of an attorney or solicitor, for any services, fees, costs, charges, or disbursements.

Part I.—Agreements between attorneys or solicitors and their clients.

4. *The remuneration of attorneys and solicitors may be fixed by agreement. Amount payable under agreement not to be paid until allowed by taxing officer.*] An attorney or solicitor may make an agreement in writing with his client respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges, or disbursements in respect of business done or to be done by such attorney or solicitor, whether as an attorney or solicitor or as an advocate or conveyancer, either by a gross sum, or by commission or per-cent, or by salary or otherwise, and either at the same or at a greater or at a less rate as or than the rate at which he would otherwise be entitled to be remunerated, subject to the provisions and conditions in this part of this Act contained: provided always, that when any such agreement shall be made in respect of business done or to be done in any action at law or suit in equity, the amount payable under the agreement shall not be received by the attorney or solicitor until the agreement has been examined and allowed by a taxing officer of a court having power to enforce the agreement; and if it shall appear to such taxing officer that the agreement is not fair and reasonable he may require the opinion of a court or a judge to be taken thereon by motion or petition, and such court or judge shall have power either to reduce the amount payable under the agreement or to order the agreement to be cancelled and the costs, fees, charges, and disbursements in respect of the business done to be taxed in the same manner as if no such agreement had been made.

5. *Saving of interests of third parties.*] Such an agreement shall not affect the amount of, or any rights or remedies for the recovery of, any costs recoverable from the client by any other person, or payable to the client by any other person, and any such other person may require any costs payable or recoverable by him to or from the client to be taxed according to the rules for the time being in force for the taxation of such costs, unless such person has otherwise agreed: provided always, that the client who has entered into such agreement shall not be entitled to recover from any other person under any order for the payment of any costs which are the subject of such agreement, more than the amount payable by the client to his own attorney or solicitor under the same.

6. *Agreements shall exclude further claims.*] Such an agreement shall be deemed to exclude any further claim of the attorney or solicitor beyond the terms of the agreement in respect of any services, fees, charges, or disbursements in relation to the conduct and completion of the business in reference to which the agreement is made, except such ser-

vices, fees, charges, or disbursements, if any, as are expressly excepted by the agreement.

7. *Reservation of responsibility for negligence.*] A provision in any such agreement that the attorney or solicitor shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such attorney or solicitor, shall be wholly void.

8. *Examination and enforcement of agreements.*] No action or suit shall be brought or instituted upon any such agreement; but every question respecting the validity or effect of any such agreement may be examined and determined, and the agreement may be enforced or set aside, without suit or action, on motion or petition of any person, or the representative of any person, a party to such agreement, or being or alleged to be liable to pay, or being or claiming to be entitled to be paid, the costs, fees, charges, or disbursements in respect of which the agreement is made by the court in which the business, or any part thereof, was done, or a judge thereof, or if the business was not done in any court, then where the amount payable under the agreement exceeds fifty pounds, by any superior court of law or equity or a judge thereof, and where such amount does not exceed fifty pounds, by the judge of a county court which would have jurisdiction in an action upon the agreement.

9. *Improper agreements may be set aside.*] Upon any such motion or petition as aforesaid, if it shall appear to the court or judge that such agreement is in all respects fair and reasonable between the parties, the same may be enforced by such court or judge by rule or order in such manner and subject to such conditions, if any, as to the costs of such motion or petition as such court or judge may think fit; but if the terms of such agreement shall not be deemed by the court or judge to be fair and reasonable, the same may be declared void, and the court or judge shall thereupon have power to order such agreement to be given up to be cancelled, and may direct the costs, fees, charges and disbursements incurred or chargeable in respect of the matters included therein to be taxed in the same manner and according to the same rules as if such agreement had not been made; and the court or judge may also make such order as to the costs of and relating to such motion or petition, and the proceedings thereon, as to the said court or judge may seem fit.

10. *Agreements may be re-opened after payment in special cases.*] When the amount agreed for under any such agreement has been paid by or on behalf of the client, or by any person chargeable with or entitled to pay the same, any court or judge having jurisdiction to examine and enforce such an agreement may, upon application by the person who has paid such amount, within twelve months after the payment thereof, if it appears to such court or judge that the special circumstances of the case require the agreement to be re-opened, re-open the same, and order the costs, fees, charges, and disbursements to be taxed, and the whole or any portion of the amount received by the attorney or solicitor to be repaid by him, on such terms and conditions as to the court or judge may seem just.

Where any such agreement is made by the client in the capacity of guardian, or of trustee under a deed or will, or of committee of any person or persons whose estate or property will be chargeable with the amount payable under such agreement, or with any part of such amount, the agreement shall before payment be laid before the taxing officer of a court having jurisdiction to enforce the agreement, and such officer shall examine the same, and may disallow any part thereof, or may require the direction of the court or a judge to be taken thereon by motion or petition; and if in any such case the client pay the whole or any part of the amount payable under the agreement without the previous allowance of such officer or court or judge as aforesaid, he shall be liable at any time to account to the person whose estate or property is charged with the amount paid, or with any part thereof, for the amount so charged; and if in any such case the attorney or solicitor accept payment without such allowance, any court which would have had jurisdiction to enforce the agreement may, if it think fit, order him to refund the amount so received by him under the agreement.

11. *Prohibition of certain stipulations.*] Nothing in this Act contained shall be construed to give validity to any purchase by an attorney or solicitor of the interest, or any part of the interest, of his client in any suit, action, or other

contentious proceeding to be brought or maintained, or to give validity to any agreement by which an attorney or solicitor retained or employed to prosecute any suit or action, stipulates for payment only in the event of success in such suit, action, or proceeding.

12. *Not to give validity to contracts, &c., which may be void in bankruptcy.*] Nothing in this Act contained shall give validity to any disposition, contract, settlement, conveyance, delivery, dealing, or transfer, which may be void or invalid against a trustee or creditor in bankruptcy, arrangement, or composition, under the provisions of the laws relating to bankruptcy.

13. *Provision in case of death or incapacity of the attorney.*] Where an attorney or solicitor has made an agreement with his client in pursuance of the provisions of this Act, and anything has been done by such attorney or solicitor under the agreement, and before the agreement has been completely performed by him, such attorney or solicitor dies or becomes incapable to act, an application may be made to any court which would have jurisdiction to examine and enforce the agreement by any party thereto, or by the representatives of any such party, and such court shall thereupon have the same power to enforce or set aside such agreement, so far as the same may have been acted upon, as if such death or incapacity had not happened; and such court, if it shall deem the agreement to be in all respects fair and reasonable, may order the amount due in respect of the past performance of the agreement to be ascertained by taxation, and the taxing officer in ascertaining such amount shall have regard so far as may be to the terms of the agreement, and payment of the amount found to be due may be enforced in the same manner as if the agreement had been completely performed by the attorney or solicitor.

14. *As to change of attorney after agreement.*] If, after any such agreement as aforesaid shall have been made, the client shall change his attorney or solicitor before the conclusion of the business to which such agreement shall relate (which he shall be at liberty to do notwithstanding such agreement), the attorney or solicitor, party to such agreement, shall be deemed to have become incapable to act under the same within the meaning of section thirteen of this Act, and upon any order being made for taxation of the amount due to such attorney or solicitor in respect of the past performance of such agreement, the court shall direct the taxing master to have regard to the circumstance under which such change of attorney or solicitor has taken place; and upon such taxation, the attorney or solicitor shall not be deemed entitled to the full amount of the remuneration agreed to be paid to him unless it shall appear that there has been no default, negligence, improper delay, or other conduct on his part affording reasonable ground to the client for such change of attorney or solicitor.

15. *Agreement shall be exempt from taxation.*] Except as in this part of this Act provided, the bill of an attorney or solicitor for the amount due under an agreement made in pursuance of the provisions of this Act shall not be subject to any taxation, nor to the provisions of the 6th & 7th Victoria, chapter 73, and the Acts amending the same, respecting the signing and delivery of the bill of an attorney or solicitor.

Part II.—General provisions.

16. *Security may be taken for future costs.*] An attorney or solicitor may take security from his client for his future fees, charges, and disbursements, to be ascertained by taxation or otherwise.

17. *Interest may be allowed on taxations in respect of disbursements and advances.*] Subject to any general rules or orders hereafter to be made upon every taxation of costs, fees, charges, or disbursements, the taxing officer may allow interest at such rate and from such time as he thinks just, on moneys disbursed by the attorney or solicitor for his client, and on moneys of the client in the hands of the attorney or solicitor, and improperly retained by him.

18. *Taxing officer to have regard to character of services.*] Upon any taxation of costs, the taxing officer may, in determining the remuneration, if any, to be allowed to the attorney or solicitor for his services, have regard, subject to any general rules or orders hereafter to be made, to the skill, labour, and responsibility involved.

19. *Revival of order for payment of costs.*] Whenever any decree or order shall have been made for payment of costs

in any suit, and such suit shall afterwards become abated, it shall be lawful for any person interested under such decree or order to revive such suit, and thereupon to prosecute and enforce such decree or order, and so on from time to time as often as any such abatement shall happen.

20. *Power to attorneys, &c. to perform acts as appertain to office of proctor.*] From and after the passing of this Act, it shall be lawful for an attorney or solicitor to perform all such acts as appertain solely to the office of a proctor, in any ecclesiastical court other than the provincial courts of the Archbishops of Canterbury and of York, and the diocesan court of the Bishop of London, without incurring any forfeiture or penalty, and to make the same charges which a proctor would be entitled to make, and to recover the same, any enactment or enactments to the contrary notwithstanding.

CAP. XXIX.

An Act to amend and continue "The Wine and Beerhouse Act, 1869."

[14th July, 1870.]

Be it enacted, &c.

1. *Short title.*] This Act may be cited as "The Wine and Beerhouse Act Amendment Act, 1870."

2. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

3. *Interpretation of terms.*] In this Act the words "the principal Act" mean the Wine and Beerhouse Act, 1869, and the word "sweets" includes sweets, made wines, mead, and meadeglin.

4. *Amendment of provisions of principal Act as to grants, durations, and transmissions of certificates.*] The provisions of the principal Act, with reference to the grant, duration, and transmission of certificates, shall be amended as follows, that is to say:—

- (1.) The 7th section of the principal Act shall be read as if for the words "constable or peace officer acting within such parish, township, or place," there were substituted the words "the superintendent of police of the district," and the notice required by that section to be given to any overseer or constable may be served by a registered letter through the post.
- (2.) Where a certificate is now required to be signed by a majority of justices, it shall be sufficient, if, instead of such signature, the concurrence of such majority be signified by means of an impression from an official seal or stamp, in such form as the justices may direct, affixed in the presence of the justices in sessions assembled, and verified in the case of each certificate by the signature of their clerk. Any seal purporting to be so affixed and verified shall be received in evidence without further proof; and if any unauthorised person imitate or affix an impression of such seal on any certificate or imitation of a certificate, or knowingly use a certificate, or imitation of a certificate, falsely purporting to be sealed in pursuance of this section, he shall be guilty of forgery:
- (3.) For every certificate granted by way of renewal under the principal Act or this Act, there shall be payable to the clerk of the justices the sum of four shillings for all matters to be done by such clerk, and one shilling for the constable or officer for service of notices; and if any clerk or justices demand or receive any greater or further fee or payment in respect of any such renewal, whether for himself or for any other officer or person, he shall, upon summary conviction, be liable to a penalty of five pounds:
- (4.) It shall be in the discretion of the justices to whom an application for a transfer is made, either to allow or refuse the application, or to adjourn the consideration thereof:
- (5.) The proviso of the 5th section of the principal Act, and the 9th section of the principal Act shall be repealed, and, subject to the provisions of this section, all the provisions of the Act of the 9th year of George IV, chapter 61, and Acts amending the same, relating to the time for which justices' licences are to be in force, and relating to the fees payable for such licences, and relating to the transfer, removal, and transmission of such

licences, and the grant of licences upon assignment, death, change of occupancy, or other contingency, and relating to copies of such licences, and relating to grants or transfers of such licences, without the attendance of an applicant who is hindered by sickness, infirmity, or other reasonable cause, shall have effect with regard to certificates granted or to be granted under the principal Act and this Act.

5. *Provisions as to convictions against the principal Act and this Act.*] The provisions of the 17th and 19th sections of the principal Act as to convictions shall extend to convictions for offences against the principal Act or this Act: provided always that the period of three years shall be substituted for the period of five years named in clause 17 of the said Act.

6. *Provision as to certain offences.*] Where, by the principal Act, or any other Act or Acts, a person licensed to retail beer, cider, or wine, not to be consumed on the premises, is subject to any penalty or forfeiture for taking, or for authorising or suffering to be taken, any beer, cider, or wine, out of such premises for the purpose of being for his benefit or profit drunk or consumed on or in other premises or places with intent to evade the provisions of any Act, or the conditions of his licence, he shall be subject to the like penalties and forfeitures for taking, or authorising or suffering to be taken, any beer, cider, or wine out of his premises, for the purpose of being for his benefit or profit drunk or consumed on or in any place, whether enclosed or not, and whether or not a public thoroughfare, with intent to evade the provisions of any such Act, or the conditions of his licence.

The 15th section of the principal Act shall be read as if after the word "house" there were inserted the words "by any person other than a servant or inmate of such house."

The 16th section of the principal Act shall be read as if for the words "convicted of keeping his house open," there were substituted the words "convicted of opening or of keeping open his house."

Any constable or officer of police who finds any person present in a house licensed for the sale of any excisable or distilled or fermented liquor at a time when such house is by law required to be closed, may demand the name and address of such person; and if any such person when so required refuse to give his name and address, or give a false name or address, he shall be liable on summary conviction to a penalty not exceeding forty shillings; and any person who when so required refuses or neglects to give his name or address, may be apprehended by such constable or officer, and detained until he can be carried before a justice of the peace.

7. *Provision as to existing licences.*] The 19th section of the principal Act shall extend to licences granted by way of renewal from time to time of licences in force on the 1st day of May, 1869, whether such licences continue to be held by the same person or have been or may be transferred to any other person or persons.

The second and third provisions of the said 19th section of the principal Act shall be read as if production of the certificate and record of convictions on the certificate were therein referred to instead of production of the licence and record of convictions on the licence, and as if for the expressions "two justices" and "justices" respectively, there were substituted the words "justice or justices."

Where a conviction is recorded on a certificate, in pursuance of the principal Act as amended by this Act, the clerk to the convicting justices shall also make and keep a record of such conviction, and of the fact that it has been recorded on the certificate.

Where a conviction of any person has, before the passing of this Act, been recorded on a licence in pursuance of the principal Act, or on a certificate in pursuance of this Act, the justices to whom such person applies for a renewal of his certificate shall cause such conviction to be recorded on the renewed certificate.

Any record of a conviction upon a licence or certificate and also any copy of a record of a conviction made or kept by a clerk to the convicting justices, if such copy purport to be signed by the clerk by whom the record was made or is kept, shall for all purposes be sufficient evidence of such conviction, and of the fact that it was recorded on the licence or certificate.

8. *Regulation as to closing of houses, &c.]* Where any person is required by law to close any house or place for the sale or consumption in any manner of any excisable, distilled, or fermented liquor during any days or times, subject in case of default to any penalties, he shall, subject in case of default to the like penalties, close such house or place during the same days or times for the sale or consumption of all other liquors, and of all articles whatsoever, notwithstanding any Act, law, licence, or certificate under authority whereof he might otherwise keep open such house or place for the sale or consumption of any such other liquor or article.

9. *Avoidance of licences upon refusal to renew certificate.]* Where renewal of any certificate granted under the principal Act is refused, any licence held under authority thereof shall, if the person aggrieved do not give notice of appeal with the requisite security in that behalf within the time limited for such notice, or if such notice having been given the appeal be not prosecuted or be dismissed, become void to all intents from the time of such failure to give notice of or to prosecute the appeal of such dismissal, as the case may be: provided that where the excise licence shall expire before the appeal has been heard and determined, the appellant shall be permitted to carry on and exercise the trade or business on such terms as the commissioners of inland revenue shall direct until the appeal shall have been heard and determined or withdrawn, and no longer.

10. *As to beer dealer's additional retail licence.]* A certificate for an additional licence to the holder of a strong beer dealer's licence to retail beer under the provisions of the 26th and 27th of her Majesty, chapter 33, shall not after the passing of this Act, except by way of renewal from time to time of a certificate in force at the time of the passing of this Act, be granted unless upon the like proof of qualification according to rating as is required in the case of licences to retail beer for consumption on the premises under the provisions of the Acts recited in the principal Act for permitting the general sale of beer and cider by retail in England.

11. *Power to justices to postpone applications for renewals.]* Where any applicant for the grant or renewal of a certificate has, through inadvertence or misadventure, failed to comply with any of the preliminary requirements of the principal Act or this Act, or any Act incorporated therewith, the justices may, if they shall so think fit, and upon such terms as they think proper, postpone the consideration of the application to an adjourned meeting, and if at such adjourned meeting the justices shall be satisfied that such terms have been complied with, they may proceed to grant or withhold such certificate as if the preliminary requirements of the principal Act had been complied with.

12. *Limit of mitigation of penalties.]* Where any person holding a certificate under the principal Act is convicted of any offence against the said Act, or this Act, or against any of the Acts recited or mentioned in the principal Act, or against the tenor or conditions of any licence held by him under a certificate granted in pursuance of the principal Act, it shall not be lawful for the justices before whom he is convicted to mitigate or reduce the penalty for such offence to a less sum than twenty shillings: provided that nothing herein contained shall extend to authorise the mitigation or reduction of any penalty, whether of excise or police, to a less sum than the minimum to which the same may, under the provisions of any other Acts be mitigated or reduced.

13. *Houses licensed to retail sweets.]* All the provisions of the Act of the 18th and 19th of her Majesty, chapter 118, for authorising the entry by constables into houses or places of public resort for the sale of fermented or distilled liquors, shall extend to authorise such entry on all days and at any time into any house or place in which any person sells excisable liquors or sweets by retail under any licence in that behalf, whether the same are sold for consumption on the premises or otherwise.

14. *Persons convicted of felony disqualified from selling spirits by retail.]* Every person convicted of felony shall for ever be disqualified from selling spirits by retail, and no licence to sell spirits by retail shall be granted to any person who shall have been so convicted as aforesaid, and if any person shall, after having been so convicted as aforesaid, take out or have any licence to sell spirits by retail, the same

shall be void to all intents and purposes; and every person who, after being so convicted as aforesaid, shall sell any spirits by retail in any manner whatever shall incur the penalty for doing so without a licence.

15. *Visitation of suspected houses.]* Where an information on oath is made before any justice of the peace that there is reasonable ground for believing that any fermented, distilled, or excisable liquors or sweets are being unlawfully sold or kept for sale at any premises or place for the retail wherethat of fermented, distilled, or excisable liquors or sweets no licence is in force, such justice may in his discretion grant a warrant under his hand to any superintendent, inspector sergeant, or other officer or officers of police, by virtue whereof it shall be lawful for the officer or officers named in the warrant at any time or times within one month from the date thereof to enter, and if need be by force, the premises or place named in the warrant, and every part thereof, and to search for and seize any fermented, distilled, or excisable liquors or sweets there found which there is reasonable ground to suppose are in such premises or place for the purpose of unlawful sale at such or any other premises or place; and if any person, by himself or by any other person acting by or with his direction, permission, or consent, refuse or neglect to admit to any part of any such premises or place any officer or person demanding admittance in pursuance of the provisions of this section, he shall be liable upon summary conviction to a penalty not exceeding twenty pounds.

Any liquor seized in pursuance of the provisions of this section shall be sold in such manner as two justices in petty sessions may direct, and the proceeds shall be applied in the same manner as penalties summarily imposed by the same justices for sale without a licence might be applied.

16. *Sect. 6. of 5 G. 4. c. 54., sect. 2. of 6 G. 4. c. 81., and sect. 6. of 13 & 14 Vict. c. 67., so far as relates to brewers' retail licences, repealed.]* From the passing of this Act so much of the Acts of the fifth of George the Fourth, chapter fifty-four, sixth George the Fourth, chapter eighty-one, and thirteenth and fourteenth of Her Majesty, chapter sixty-seven, as authorises the grant to brewers of beer of brewers' licences to retail beer not to be consumed on the premises where sold, shall be repealed, and no such licence shall be granted after the passing of this Act, whether to a new applicant or by way of renewal: provided that a person who at the passing of this Act holds any such licence shall continue to be subject to all the like regulations and conditions, so long as such licence remain in force, and shall be subject to the like penalties for breach of any such regulations and conditions committed while such licence remains in force as if this Act had not been passed.

17. *Duration of the principal Act and of this Act.]* The principal Act shall be continued and be in force, and this Act shall be in force for two years from the date of the passing of this Act, and until the end of the then next session of Parliament.

CAP. XXX.

An Act to abolish attachment of wages.

[14th July, 1870.]

Whereas by an order in council made on the 18th day of November 1867, certain of the provisions of the Common Law Procedure Act, 1854, were extended and applied to all the courts of record established under the provisions of the County Courts Act, 1846, and also to the City of London courts of record as constituted by the County Courts Act, 1867:

And whereas much inconvenience has arisen by the attachment of wages to satisfy judgments recovered in some of such first-mentioned courts, and it is expedient to prevent the attachment of wages to satisfy judgments recovered in any court of record or inferior court:

Be it enacted, &c.

1. *No order of attachment of wages after passing of Act.]* That after the passing of this Act no order for the attachment of the wages of any servant, labourer, or workman shall be made by the judge of any court of record or inferior court.

2. *Short title.]* That this Act may be cited as the Wages Attachment Abolition Act, 1870.

CAP. XXXI.

An Act to apply the sum of nine million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-one. [1st August, 1870.]

CAP. XXXII.

An Act to grant certain duties of customs and inland revenue, and to repeal and alter other duties of customs and inland revenue. [1st August, 1870.]

CAP. XXXIII.

An Act to amend the Acts relating to the export of unseasonable salmon. [1st August, 1870.]

CAP. XXXIV.

An Act to amend the law as to the investment on real securities of trust funds held for public and charitable purposes. [1st August, 1870.]

Whereas it is expedient to amend the law relating to the investment on real securities of trust funds held for public and charitable purposes:

Be it enacted, &c.

1. *Corporations and trustees holding money in trust for any public or charitable purpose may invest the same in real securities.* [It shall be lawful for all corporations and trustees in the United Kingdom holding moneys in trust for any public or charitable purpose to invest such moneys in any real security authorised by or consistent with the trusts on which such moneys are held, without being deemed thereby to have acquired or become possessed of any land within the meaning of the laws relating to mortmain, or of any prohibition or restraint against the holding of land by such corporations or trustees contained in any charter or Act of Parliament; and no contract for or conveyance of any interest of land made bona fide for the purpose only of such security shall be deemed void by reason of any non-compliance with the conditions and solemnities required by an Act passed in the 9th year of King George the Second, intituled "An Act to restrain the disposition of lands whereby the same become unalienable."]

2. *Proviso for cases in which the equity of redemption of the premises may be barred or released.* [Provided always, that in every case in which the equity of redemption of the premises comprised in any such security shall become liable to foreclosure, or otherwise barred or released, the same shall be thenceforth held in trust to be sold and converted into money, and shall be sold accordingly; and if any decree shall be made in any suit for the purpose of redeeming or enforcing such security, such decree shall direct a sale (in default of redemption) and not a foreclosure of such premises.

3. *Interpretation of terms.* [The words "real security" in this Act shall include all mortgages or charges, legal or equitable, or upon lands or hereditaments of any tenure or of or upon any estate or interest therein or any charge or encumbrance thereon; and the word "conveyance" shall include all grants, releases, transfers, assignments, appointments, assurances, orders, surrenders, and admissions whatsoever operating to pass or vest any estate or interest, at law or in equity, in the premises comprised in any real security.

CAP. XXXV.

An Act for the better apportionment of rents and other periodical payments. [1st August, 1870.]

Whereas rents and some other periodical payments are not at common law apportionable (like interest on money lent) in respect of time, and for remedy of some of the mischiefs and inconveniences thereby arising divers statutes have been passed in the 11th year of the reign of his late Majesty King George the Second (chapter 19), and in the session of Parliament held in the 4th and 5th years of his late Majesty King William the Fourth (chapter 22), and in the session of Parliament held in the 6th and 7th years of his late Majesty King William the Fourth (chapter 71), and in the session of Parliament held in the 14th and 15th years of her present Majesty (chapter 26), and in the session

of Parliament held in the 23rd and 24th years of her present Majesty (chapter 154):

And whereas it is expedient to make provision for the remedy of all such mischiefs and inconveniences:

Be it therefore enacted, &c.

1. *Short title.* [This Act may be cited for all purposes as "The Apportionment Act, 1870."]

2. *Rents, &c. to accrue from day to day and be apportionable in respect of time.* [From and after the passing of this Act all rents, annuities, dividends, and other periodical payments in the nature of income (whether reserved or made payable under an instrument in writing or otherwise) shall, like interest on money lent, be considered as accruing from day to day and shall be apportionable in respect of time accordingly.

3. *Apportioned part of rent, &c. to be payable when the next entire portion shall have become due.* [The apportioned part of any such rent, annuity, dividend, or other payment shall be payable or recoverable in the case of a continuing rent, annuity, or other such payment when the entire portion of which such apportioned part shall form part shall become due and payable, and not before, and in the case of a rent, annuity, or other such payment determined by re-entry, death, or otherwise when the next entire portion of the same would have been payable if the same had not so determined and not before.

4. *Persons shall have the same remedies for recovering apportioned parts as for entire portions.* [Proviso as to rents reserved in certain cases.] All persons and their respective heirs, executors, administrators, and assigns, and also the executors, administrators, and assigns respectively of persons whose interests determine with their own deaths, shall have such or the same remedies at law and in equity for recovering such apportioned parts as aforesaid when payable (allowing proportionate parts of all just allowances) as they respectively would have had for recovering such entire portions as aforesaid if entitled thereto respectively: provided that persons liable to pay rents reserved out of or charged on lands or other hereditaments of any tenure, and the same lands or other hereditaments, shall not be resort to for any such apportioned part forming part of an entire or continuing rent as aforesaid specifically, but the entire or continuing rent, including such apportioned part, shall be recovered and received by the heir or other person who, if the rent had not been apportionable under this Act, or otherwise, would have been entitled to such entire or continuing rent, and such apportioned part shall be recoverable from such heir or other person by the executors or other parties entitled under this Act to the same by action at law or suit in equity.

5. *Interpretation of terms.* [In the construction of this Act—

The word "rents" includes rent service, rent charge, and rent seek, and also tithes and all periodical payments or renderings in lieu of or in the nature of rent or tithe.

The word "annuities" includes salaries and pensions.

The word "dividends" includes (besides dividends strictly so called) all payments made by the name of dividend, bonus, or otherwise out of the revenue of trading or other public companies, divisible between all or any of the members of such respective companies, whether such payments shall be usually made or declared at any fixed times or otherwise; and all such divisible revenue shall, for the purposes of this Act, be deemed to have accrued by equal daily increment during and within the period for or in respect of which the payment of the same revenue shall be declared or expressed to be made, but the said word "dividend" does not include payments in the nature of a return or reimbursement of capital.

6. *Act not to apply to policies of assurance.* [Nothing in this Act contained shall render apportionable any annual sums made payable in policies of assurance of any description.

7. *Nor where stipulation made to the contrary.* [The provisions of this Act shall not extend to any case in which it is or shall be expressly stipulated that no apportionment shall take place.

CAP. XXXVI.

An Act to amend "The Cattle Disease Act (Ireland), 1866." [1st August, 1870.]

CAP. XXXVII.

An Act to enable the senior magistrate of populous places in Scotland to act *ex officio* as a justice of the peace and commissioner of supply for the county in which the said populous place is situated.

[1st August, 1870.]

CAP. XXXVIII.

An Act to disfranchise the boroughs of Sligo and Cashel.

[1st August, 1870.]

CAP. XXXIX.

An Act to facilitate transfers of ecclesiastical patronage in certain cases.

[1st August, 1870.]

Be it enacted, &c.

1. Provisions of 3 & 4 Vict. c. 113, s. 73, 4 & 5 Vict. c. 39, s. 22, 31 & 32 Vict. c. 114, s. 12, to authorise transfer of any advowson.] The powers and provisions contained in the 73rd section of the Act of the 3rd and 4th years of her Majesty, chapter 113, in the 22nd section of the Act of the 4th and 5th years of her Majesty, chapter 39, and in the 12th section of the Act of the 31st and 32nd years of her Majesty, chapter 114, shall be held to authorise the transfer, by the process and with the consents therein mentioned, of the ownership of any advowson or other right of patronage in any spiritual preferment, or any estate or interest in the same, provided always, that it shall appear to the Ecclesiastical Commissioners for England, and shall be so stated in the scheme submitted by them to her Majesty in Council for effecting such transfer, that the same transfer will tend to make better provision for the cure of souls in the parish or district in or in respect of which the right of patronage or advowson arises or exists: and provided always, that such transfer may take effect as from or to any ecclesiastical corporation, aggregate or sole, notwithstanding any statute of mortmain.

CAP. XL.

An Act for authorising a guarantee of a loan to be raised by the Government of New Zealand for the construction of roads, bridges, and communications in that country, and for the introduction of settlers into that country.

[1st August, 1870.]

CAP. XLI.

An Act for raising the sum of one million three hundred thousand pounds by Exchequer Bonds for the service of the year ending on the thirty-first day of March, one thousand eight hundred and seventy-one.

[1st August, 1870.]

CAP. XLII.

An Act to empower magistrates and town councils of burghs in Scotland to abolish petty customs and to levy a rate in lieu thereof.

[1st August, 1870.]

CAP. XLIII.

An Act to alter certain duties of customs upon refined sugar in the Isle of Man.

[1st August, 1870.]

CAP. XLIV.

An Act to declare the stamp duty chargeable on certain leases.

[1st August, 1870.]

Whereas it was decided on the 21st day of January, 1870, by her Majesty's Court of Exchequer, on the hearing of an appeal from the determination of the Commissioners of Inland Revenue on a question relating to stamp duty, that a certain lease made in consideration of a yearly rent thereby reserved, and in further consideration of a covenant by the lessee to complete unfinished houses which were at the date of the lease standing upon the demised land, was chargeable, according to the proper construction of the 16th section of an Act passed in the 17th and 18th years of her Majesty's reign, chapter 83, as if it were a separate lease made for such further consideration alone, with the stamp duty of 3s., in addition to the ad valorem duty with which it was chargeable in respect of the yearly rent:

And whereas it is considered that the principle of the said decision is applicable to every lease made on or since the 10th day of October, 1854, being the day on which the said Act came into operation, for any consideration or considerations in respect whereof it is chargeable with ad valorem duty, and in further consideration either of a covenant by the lessee to make or of his having previously made any substantial improvement of or addition to the property demised to him:

And whereas it was generally considered, previously to the said decision, that such leases as are hereinbefore described were not chargeable with the said additional duty:

And whereas it is expedient that the holders of any such leases made previously to the passing of this Act should be relieved from the payment of the said additional duty, and that such leases should not in future be chargeable with such additional duty:

Be it enacted, &c.

1. As to stamps on leases.] No lease already made or hereafter to be made for any consideration or considerations in respect whereof it is chargeable with ad valorem stamp duty, and in further consideration either of a covenant by the lessee to make or of his having previously made any substantial improvement of or addition to the property demised to him, or of any usual covenant, shall be deemed to be or to have been chargeable with any stamp duty in respect of such further consideration.

CAP. XLV.

An Act for establishing a district registrar of the High Court of Admiralty in England at Liverpool.

[1st August, 1870.]

Whereas a large proportion of the entire business now transacted in each year before the High Court of Admiralty of England consists of suits arising from the port of Liverpool:

And whereas it would tend to increase the despatch and to lessen the expense of admiralty suits if a registry of the said High Court of Admiralty were established at Liverpool:

Be it enacted, &c.

1. Short title.] This Act may be cited for all purposes as the Liverpool Admiralty District Registrar's Act, 1870.

2. Power to establish Court of Admiralty in Liverpool.] There shall be established in Liverpool a registry of the High Court of Admiralty, and it shall be lawful for her Majesty from time to time by order in council to fix the limits of such registry.

3. Power to appoint registrar, clerks, and officers.] There shall be registrar for such district, and such clerks and officers as the judge of the High Court of Admiralty, with the concurrence of the Commissioners of her Majesty's Treasury, shall consider necessary, but no such registrar, clerk, or other officer shall be entitled to claim any compensation in case his office shall at any time be abolished.

4. Registrar, clerks, and other officers to be appointed by judge.] The Liverpool district registrar shall be appointed by the judge, with the approval of the Lord High Admiral of the United Kingdom of Great Britain and Ireland for the time being, or of the Lords Commissioners for executing the office of Lord High Admiral, as the case may be. Such clerks and other officers as aforesaid shall be appointed by the judge.

5. To hold office during good behaviour.] The Liverpool district registrar and such clerks and other officers as aforesaid may respectively be removed by the judge for inability or misbehaviour.

6. Qualification of registrar.] No person shall be appointed Liverpool district registrar unless he shall have been in practice as an advocate or barrister, proctor, attorney, or solicitor, for a period of ten years.

7. Registrar not to practise as attorney in his district.] It shall not be lawful for the Liverpool district registrar, during the time he shall hold and exercise his office, either directly or indirectly by himself, his partners, clerk, or other person, to practise in his district of the said court, either as barrister or as attorney originally retained or as agent for any other attorney, nor to participate in any costs payable to any attorney in respect of any business done or suit or matter instituted or prosecuted in the district re-

gistry; and the Liverpool district registrar being proved to the satisfaction of the said judge of the Court of Admiralty to have so practised, or to have participated in any costs as aforesaid, contrary to the meaning and intent of this Act, shall be deemed to have committed and shall be punishable as and for a contempt of court, and shall be liable to dismissal from his office.

8. *Powers of registrar.*] The Liverpool district registrar shall have and exercise, in respect of any matter in his registry, all powers held or exercised by the registrar of the High Court of Admiralty of England, by virtue of this or of any former Act or rule.

9. *Where suits to be instituted.*] Any suit may be instituted—

- (1) In the Liverpool district registry, when the ship or property, the subject of the suit, is at the time of the institution of the suit within the district of such registry;
- (2) Or when the owner or owners of the ship or property, or the owner or owners of the larger number of shares in the ship, or the managing owner, or ship's husband, reside at the time of the institution of the suit within the district of such registry;
- (3) Or when the port of registry of the ship is within the district of such registry;
- (4) Or when the parties so agree by a memorandum signed by them or their attorneys or agents;

Provided always, that when a suit has been instituted in the Liverpool district registry, no further suit shall be instituted against the same property in the principal registry without leave of the judge, and subject to such terms, as to costs and otherwise, as he may direct.

10. *Appeal.*] An appeal may be made to the High Court of Admiralty of England from a final decree or order of the Liverpool district registrar, and by permission of the Liverpool district registrar or of the judge from any interlocutory decree or order therein, on security for costs being first given, and subject to such other provision as general orders shall direct.

11. *Power to registrar to summon nautical assessors.*] On the trial of any admiralty cause subsisting in the Liverpool district registry, before the registrar of such district, it shall be lawful for such registrar, if he shall think fit, and he shall, upon the request of either party, summon to his assistance, in such manner as general orders shall direct, two nautical assessors, and such nautical assessors shall attend and assist accordingly.

12. *List of persons qualified to act as nautical assessors to be published in London Gazette.*] The Liverpool district registrar shall from time to time frame a list of persons of nautical skill and experience, residing or having places of business within the district, to act as assessors in that district, to be approved by the judge, before whom the same shall be laid by the Liverpool district registrar, and without whose approval it shall have no validity, and shall cause the list, when so approved, to be published in the London Gazette, and in at least one Liverpool newspaper.

13. *Removal of suits or appeal.*] Any party to a suit or to an appeal, at any stage of such suit or appeal, may, by the leave of the court, and subject to such terms as to costs or otherwise as the court may direct, remove any such suit instituted or any such appeal pending in the principal registry to the Liverpool district registry, and any suit instituted or appeal pending in the Liverpool district registry to the principal registry.

14. *Scale of costs to be prescribed.*] A scale of costs and charges in admiralty causes in the Liverpool district registry, and of fees to be taken in the Liverpool district registry shall be prescribed by general orders.

15. *Application of fees.*] All fees received in the Liverpool district registry shall be applied in the first instance in the payment of such office expenses and salaries of the clerks employed therein, and in payment to the registrar of such remuneration in lieu of salary as may be determined by general orders; and all such fees shall be accounted for by the Liverpool district registrar, and the surplus, if any, paid over by him to the Commissioners of her Majesty's Treasury at such period and in such manner as the commissioners may direct.

16. *General orders for regulating practice, &c., to be made.*] General orders shall be from time to time made under this

Act for the purposes in this Act directed, and for regulating the practice and procedure in the Liverpool district registry, the duties of the registrar and officers thereof, and the fees to be taken therein.

17. *By whom to be made.*] General orders under this Act shall be made by the judge of the High Court of Admiralty of England, subject to the approval of her Majesty's Treasury, in all matters relating to the number of officers or persons employed in the Liverpool district registry, their salaries or emoluments, and to the scale of fees to be taken at the said registry.

18. *If salaries paid by Parliament, fees shall be collected by stamps.*] If at any time such salaries or emoluments are paid out of moneys provided by Parliament, the Lord Chancellor and the said Commissioners may direct that the fees shall be collected by means of stamps, under the provisions of the Public Offices Fees Act, 1866.

19. *Act not to abridge power of registrar of High Court of Admiralty.*] Nothing in this Act contained shall in any way abridge or lessen the power of the registrar of the High Court of Admiralty in England within the district of the Liverpool registry.

CAP. XLVI.

An Act to amend the law relating to the occupation and ownership of land in Ireland.

[1st August, 1870.

1. *Legality of Ulster tenant-right custom.*
2. *Legality of tenant custom other than Ulster custom.*
3. *Compensation in absence of custom.*
4. *Compensation in respect of improvements. Exception of certain improvements. Exception of certain tenancies.*
5. *Presumption in respect of improvements.*
6. *Permissive registration of improvements.*
7. *Compensation in respect of payment to incoming tenant.*
8. *Compensation in respect of crops.*
9. *Limitation as to disturbance in holding.*
10. *Exception in case of lands required for labourers' cottages.*
11. *Derivative title of tenant.*
12. *Partial exemption of certain tenancies.*
13. *Restriction as to compensation in certain cases of assignment.*
14. *Eviction in certain cases not to be deemed a disturbance.*
15. *Exemption of certain lands.*
16. *Proceedings by tenant in respect of claims.*
17. *Proceedings by landlord in respect of claims.*
18. *Equities between landlord and tenant.*
19. *Order of Court to be in writing, &c.*
20. *Provision in case of derivative estates in the same holding.*
21. *Restriction on eviction of tenant.*
22. *Court to mean Civil Bill Court or Court of Arbitration.*
23. *Civil Bill Court.*
24. *Appeal from Civil Bill Court.*
25. *Court of Arbitration.*
26. *Interpretation of "limited owner."*
27. *Agreement by limited owner.*
28. *Power of limited owner to grant leases.*
29. *Effect of lease by limited owner.*
30. *Leasing powers of Act to be cumulative.*
31. *Rules for carrying first part of Act into effect.*
32. *Application to "the Court" for sale to tenant of holding.*
33. *Restrictions on sale of holding.*
34. *As to the sale of holding by the Court.*
35. *Estate of purchaser to be free from incumbrances.*
36. *Certain charges not incumbrances.*
37. *As to the distribution of purchase money.*
38. *Costs of sale.*

39. *Costs of distribution of purchase money.*
 40. *General powers of Court in conduct of sale of land.*
 41. *Rules for carrying second part of this Act into effect.*
 42. *Advances to landlords for compensation for improvements.*
 43. *Advances to landlords for improvement of waste lands.*
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 45. *Advances to tenants for purchases of holdings in Landed Estates Court.*
 46. *Landed Estates Court to afford facilities for purchases by occupying tenants.*
 47. *Advances to facilitate purchases of entire estates.*
 48. *Advances charged on estate by way of annuity.*
 49. *Recovery of annuity.*
 50. *Arrears of annuity.*
 51. *Power of owner to redeem annuity.*
 52. *Power of Board to commute and compromise.*
 53. *Control of Board by Treasury, &c.*
 54. *As to issues of moneys to the Board by Treasury.*
 55. *Repayment to Consolidated Fund of moneys advanced.*
 56. *Duty of Civil Bill Court as to charging orders.*
 57. *Stamp duty on notice to quit.*
 58. *Regulations as to notice to quit.*
 59. *Administration on death of tenant.*
 60. *Provision as to married women.*
 61. *Provision as to other persons under disability.*
 62. *Additional sittings of Civil Bill Court.*
 63. *Additional salaries to judges and officers of Civil Bill Courts.*
 64. *Power to appoint a substitute in Civil Bill Court if judge cannot attend.*
 65. *Mode of payment of grand jury cess in certain cases.*
 66. *Where value of premises does not exceed £4 immediate lessor to pay grand jury cess.*
 67. *Exception as to county cess levied in certain cases.*
 68. *Non-liability for rent for land covered by public roads.*
 69. *Tenancies at will.*
 70. *General definitions.*
 71. *Agricultural or pastoral holdings only subject to this Act.*
 72. *Short title.*
 73. *Application of Act.*

CAP. XLVII.

An Act for extending to Ireland and amending "The Dividends and Stock Act, 1869."

[1st August, 1870.]

CAP. XLVIII.

An Act for removing doubts respecting the payment of expenses incurred in the conveyance of paupers in certain cases not expressly provided for by law.

[9th August, 1870.]

1. *Poor Law Board to define cases in which guardians may pay expense of conveying paupers.*
 2. *Short title and interpretation.*

CAP. XLIX.

An Act to explain and amend "The Evidence Further Amendment Act, 1869." [9th August, 1870.]

Whereas it was enacted by the Evidence Further Amendment Act, 1869, s. 4, as follows:—

"If any person called to give evidence in any court of justice, whether in a civil or criminal proceeding, shall object to take an oath, or shall be objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following promise and declaration:—

"I solemnly promise and declare, that the evidence given by me to the court shall be the truth, the whole truth, and nothing but the truth."

"And any person who, having made such promise and declaration, shall wilfully and corruptly give false evidence, shall be liable to be indicted, tried, and convicted for perjury as if he had taken an oath: "

And whereas doubts have arisen as to the extent and meaning of the words "courts of justice" and "presiding judge" in the said section:

Be it enacted, &c.

1. *Interpretation of "court of justice" and "presiding judge" in recited Act.* The words "courts of justice," and the words "presiding judge," in section 4 of the said Evidence Further Amendment Act, 1869, shall be deemed to include any person or persons having by law authority to administer an oath for the taking of evidence.

2. *Short title.* This Act may be cited for all purposes as the Evidence Amendment Act, 1870.

3. *Not to extend to Scotland.* This Act shall not extend to Scotland.

CAP. L.

An Act to amend "The Shipping Dues Exemption Act, 1867." [9th August, 1870.]

CAP. LI.

An Act to repeal an Act intituled "An Act to alter the mode of giving notices for the holding of vestries, of making proclamation in cases of outlawry, and of giving notices on Sundays in respect to various matters," so far as such Act relates to the Isle of Man. [9th August, 1870.]

CAP. LII.

An Act for amending the law relating to the extradition of criminals. [9th August, 1870.]

Whereas it is expedient to amend the law relating to the surrender to foreign states of persons accused or convicted of the commission of certain crimes within the jurisdiction of such states, and to the trial of criminals surrendered by foreign states to this country:

Be it enacted, &c.

Preliminary.

1. *Short title.* This Act may be cited as "The Extradition Act, 1870."

2. *Where arrangement for surrender of criminals made, order in council to apply Act.* Where an arrangement has been made with any foreign state with respect to the surrender of such state of any fugitive criminals, her Majesty may, by order in council, direct that this Act shall apply in the case of such foreign state.

Her Majesty may, by the same or any subsequent order, limit the operation of the order, and restrict the same to fugitive criminals who are in or suspected of being in the part of her Majesty's dominions specified in the order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

Every such order shall recite or embody the terms of the arrangement, and shall not remain in force for any longer period than the arrangement.

Every such order shall be laid before both Houses of Parliament within six weeks after it is made, or, if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London Gazette.

3. *Restrictions on surrender of criminals.* The following restrictions shall be observed with respect to the surrender of fugitive criminals:—

(1.) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the police magistrate or the court before whom he is brought on habeas corpus or to the Secretary of State, that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character:

(2.) A fugitive criminal shall not be surrendered to a foreign state unless provision is made by the law of that state, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in that foreign state for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded:

(3.) A fugitive criminal who has been accused of some offence within English jurisdiction not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the United Kingdom, shall not be surrendered until he has been discharged, whether by acquittal or on expiration of his sentence or otherwise:

(4.) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

4. *Provisions of arrangement for surrender.*—An order in council for applying this Act in the case of any foreign state shall not be made unless the arrangement—

(1.) provides for the determination of it by either party to it after the expiration of a notice not exceeding one year; and,

(2.) is in conformity with the provisions of this Act, and in particular with the restrictions on the surrender of fugitive criminals contained in this Act.

5. *Publication and effect of order.*—When an order applying this Act in the case of any foreign state has been published in the London Gazette, this Act (after the date specified in the order, or if no date is specified, after the date of the publication) shall, so long as the order remains in force, but subject to the limitations, restrictions, conditions, exceptions, and qualifications, if any, contained in the order, apply in the case of such foreign state. An order in council shall be conclusive evidence that the arrangement therein referred to complies with the requisitions of this Act, and that this Act applies in the case of the foreign state mentioned in the order, and the validity of such order shall not be questioned in any legal proceedings whatever.

6. *Liability of criminal to surrender.*—Where this Act applies in the case of any foreign state, every fugitive criminal of that state who is in or suspected of being in any part of her Majesty's dominions, or that part which is specified in the order applying this Act (as the case may be), shall be liable to be apprehended and surrendered in manner provided by this Act, whether the crime in respect of which the surrender is sought was committed before or after the date of the order, and whether there is or is not any concurrent jurisdiction in any court of her Majesty's dominions over that crime.

7. *Order of Secretary of State for issue of warrant in United Kingdom if crime is not of a political character.*—A requisition for the surrender of a fugitive criminal of any foreign state, who is in or suspected of being in the United Kingdom, shall be made to a Secretary of State by some person recognised by the Secretary of State as a diplomatic representative of that foreign state. A Secretary of State may, by order under his hand and seal, signify to a police magistrate that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

If the Secretary of State is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

8. *Issue of warrant by police magistrate, justice, &c.*—A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in the United Kingdom, may be issued—

(1.) by a police magistrate on the receipt of the said order of the Secretary of State, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in England; and

(2.) by a police magistrate or any justice of the peace in any part of the United Kingdom, on such information or complaint, and such evidence or after such proceedings as would in the opinion of the person

issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the United Kingdom in which he exercises jurisdiction.

Any person issuing a warrant under this section without an order from a Secretary of State shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to a Secretary of State, who may if he think fit order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

A fugitive criminal, when apprehended on a warrant issued without the order of a Secretary of State, shall be brought before some person having power to issue a warrant under this section, who shall by warrant order him to be brought, and the prisoner shall accordingly be brought before a police magistrate.

A fugitive criminal apprehended on a warrant issued without the order of a Secretary of State shall be discharged by the police magistrate, unless the police magistrate, within such reasonable time as, with reference to the circumstances of the case, he may fix, receives from a Secretary of State an order signifying that a requisition has been made for the surrender of such criminal.

9. *Hearing of case and evidence of political character of crime.*—When a fugitive criminal is brought before the police magistrate, the police magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him charged with an indictable offence committed in England.

The police magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character, or is not an extradition crime.

10. *Commitment or discharge of prisoner.*—In the case of a fugitive criminal accused of an extradition crime, if the foreign warrant authorising the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) would, according to the law of England, justify the commitment for trial of the prisoner, if the crime of which he is accused had been committed in England, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if such evidence is produced as (subject to the provisions of this Act) would, according to the law of England, prove that the prisoner was convicted of such crime, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.

If he commits such criminal to prison, he shall commit him to the Middlesex House of Detention, or to some other prison in Middlesex, there to await the warrant of a Secretary of State for his surrender, and shall forthwith send to a Secretary of State a certificate of the commitment, and such report upon the case as he may think fit.

11. *Surrender of fugitive to foreign state by warrant of Secretary of State.*—If the police magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of habeas corpus.

Upon the expiration of the said fifteen days, or, if a writ of habeas corpus is issued, after the decision of the court upon the return to the writ, as the case may be, or after such further period as may be allowed in either case by a Secretary of State, it shall be lawful for a Secretary of State, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the court) to be surrendered to such person as may in his opinion be duly authorised to receive the fugitive criminal by the foreign state from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed, and for the person so authorised as aforesaid to receive, hold in custody, and convey within the jurisdiction of such foreign state the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person

accused of any crime against the laws of that part of her Majesty's dominions to which he escapes may be retaken upon an escape.

12. *Discharge of persons apprehended if not conveyed out of United Kingdom within two months.*] If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the United Kingdom within two months after such committal, or, if a writ of habeas corpus is issued, after the decision of the court upon the return of the writ, it shall be lawful for any judge of one of her Majesty's superior courts at Westminster, upon application made to him by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to a Secretary of State, to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

13. *Execution of warrant of police magistrate.*] The warrant of the police magistrate issued in pursuance of this Act may be executed in any part of the United Kingdom in the same manner as if the same had been originally issued or subsequently indorsed by a justice of the peace having jurisdiction in the place where the same is executed.

14. *Depositions to be evidence.* 6 & 7 Vict. c. 76.] Depositions or statements on oath, taken in a foreign state, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Act.

15. *Authentication of depositions and warrants.* 29 & 30 Vict. c. 121.] Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this Act, if authenticated in manner provided for the time being by law, or authenticated as follows:—

- (1.) If the warrant purports to be signed by a judge, magistrate, or officer of the foreign state where the same was issued;
- (2.) If the depositions or statements, or the copies thereof, purport to be certified under the hand of a judge, magistrate, or officer of the foreign state where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and
- (3.) If the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate, or officer of the foreign state where the conviction took place; and

if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of the minister of justice or some other minister of state: and all courts of justice, justices, and magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

Crimes committed at sea.

16. *Jurisdiction as to crimes committed at sea.*] Where the crime in respect of which the surrender of a fugitive criminal is sought was committed on board any vessel on the high seas which comes into any port of the United Kingdom, the following shall have effect:

- (1.) This Act shall be construed as if any stipendiary magistrate in England or Ireland, and any sheriff or sheriff substitute in Scotland, were substituted for the police magistrate throughout this Act, except the part relating to the execution of the warrant of the police magistrate;
- (2.) The criminal may be committed to any prison to which the person committing him has power to commit persons accused of the like crime;
- (3.) If the fugitive criminal is apprehended on a warrant issued without the order of a Secretary of State, he shall be brought before the stipendiary magistrate, sheriff, or sheriff substitute who issued the warrant, or who has jurisdiction in the port where the vessel lies, or in the place nearest to that port.

Fugitive criminals in British possessions.

17. *Proceedings as to fugitive criminals in British possessions.*] This Act, when applied by order in council, shall, un-

less it is otherwise provided by such order, extend to every British possession in the same manner as if throughout this Act the British possession were substituted for the United Kingdom or England, as the case may require, but with the following modifications, namely:—

- (1.) The requisition for the surrender of a fugitive criminal who is in or suspected of being in a British possession may be made to the governor of that British possession by any person recognised by that governor as a consul-general, consul, or vice-consul, or (if the fugitive criminal has escaped from a colony or dependency of the foreign state on behalf of which the requisition is made) as the governor of such colony or dependency:
- (2.) No warrant of a Secretary of State shall be required, and all powers vested in or acts authorised or required to be done under this Act by the police magistrate and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the governor of the British possession alone:
- (3.) Any prison in the British possession may be substituted for a prison in Middlesex:
- (4.) A judge of any court exercising in the British possession the like powers as the Court of Queen's Bench exercises in England may exercise the power of discharging a criminal when not conveyed within two months out of such British possession.

18. *Saving of laws of British possessions.*] If by any law or ordinance, made before or after the passing of this Act by the legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, her Majesty may, by the order in council applying this Act, in the case of any foreign state, or by any subsequent order, either

suspend the operation within any such British possession of this Act, or of any part thereof, so far as it relates to such foreign state, and so long as such law or ordinance continues in force there, and no longer; or direct that such law or ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of this Act.

General provisions.

19. *Criminal surrendered by foreign state not triable for previous crime.*] Where, in pursuance of any arrangement with a foreign state, any person accused or convicted of any crime which, if committed in England, would be one of the crimes described in the first schedule to this Act, is surrendered by that foreign state, such person shall not, until he has been restored or had an opportunity of returning to such foreign state, be triable or tried for any offence committed prior to the surrender in any part of her Majesty's dominions other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

20. *As to use of forms in second schedule.*] The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and in the case of a British possession may be so used, mutatis mutandis, and when used shall be deemed to be valid and sufficient in law.

21. *Revocation, &c., of order in council.*] Her Majesty may, by order in council, revoke or alter, subject to the restrictions of this Act, any order in council made in pursuance of this Act, and all the provisions of this Act with respect to the original order shall (so far as applicable) apply, mutatis mutandis, to any such new order.

22. *Application of Act in Channel Islands and Isle of Man.*] This Act (except so far as relates to the execution of warrants in the Channel Islands) shall extend to the Channel Islands and Isle of Man in the same manner as if they were part of the United Kingdom; and the royal courts of the Channel Islands are hereby respectively authorised and required to register this Act.

23. *Saving for Indian treaties.*] Nothing in this Act shall affect the lawful powers of her Majesty or of the Governor General of India in Council to make treaties for the extradition of criminals with Indian native states, or with other Asiatic states conterminous with British India, or to carry

into execution the provisions of any such treaties made either before or after the passing of this Act.

24. *Power of foreign state to obtain evidence in United Kingdom.*] The testimony of any witness may be obtained in relation to any criminal matter pending in any court or tribunal in a foreign state in like manner as it may be obtained in relation to any civil matter under the Act of the session of the 19th and 20th years of the reign of her present Majesty, chapter 113, intituled "An Act to provide for taking evidence in her Majesty's dominions in relation to civil and commercial matters pending before foreign tribunals;" and all the provisions of that Act shall be construed as if the term civil matter included a criminal matter, and the term cause included a proceeding against a criminal; provided that nothing in this section shall apply in the case of any criminal matter of a political character.

25. *Foreign state includes dependencies.*] For the purposes of this Act, every colony, dependency, and constituent part of a foreign state, and every vessel of that state, shall (except where expressly mentioned as distinct in this Act) be deemed to be within the jurisdiction of and to be part of such foreign state.

26. *Definition of terms.*] In this Act, unless the context otherwise requires,—

"*British possessions.*"] The term "British possession" means any colony, plantation, island, territory, or settlement within her Majesty's dominions, and not within the United Kingdom, the Channel Islands, and Isle of Man; and all colonies, plantations, islands, territories, and settlements under one legislature, as hereinafter defined, are deemed to be one British possession:

"*Legislature.*"] The term "legislature" means any person or persons who can exercise legislative authority in a British possession, and where there are local legislatures as well as a central legislature, means the central legislature only:

"*Governor.*"] The term "governor" means any person or persons administering the government of a British possession and includes the governor of any part of India:

"*Extradition crime.*"] The term "extradition crime" means a crime which, if committed in England or within English jurisdiction, would be one of the crimes described in the first schedule to this Act:

"*Conviction.*"] The terms "conviction" and "convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy:

"*Fugitive criminal.*"] "*Fugitive criminal of a foreign state.*"] The term "fugitive criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign state who is in or is suspected of being in some part of her Majesty's dominions; and the term "fugitive criminal of a foreign state" means a fugitive criminal accused or convicted of an extradition crime committed within the jurisdiction of that state:

"*Secretary of State.*"] The term "Secretary of State" means one of her Majesty's principal Secretaries of State:

"*Police magistrate.*"] The term "police magistrate" means a chief magistrate of the metropolitan police courts, or one of the other magistrates of the metropolitan police court in Bow-street:

"*Justice of the peace.*"] The term "justice of the peace" includes in Scotland any sheriff, sheriff's substitute, or magistrate:

"*Warrant.*"] The term "warrant" in the case of any foreign state, includes any judicial document authorising the arrest of a person accused or convicted of crime.

Repeal of Acts.

27. *Repeal of Acts in third schedule.*] The Acts specified in the third schedule to this Act are hereby repealed as to the whole of her Majesty's dominions; and this Act (with the exception of anything contained in it which is inconsistent with the treaties referred to in the Acts so repealed) shall apply (as regards crimes committed either before or after the passing of this Act), in the case of the foreign states with which those treaties are made, in the same manner as if an order in council referring to such treaties had

been made in pursuance of this Act, and as if such order had directed that every law and ordinance which is in force in any British possession with respect to such treaties should have effect as part of this Act.

Provided that if any proceedings for or in relation to the surrender of a fugitive criminal have been commenced under the said Acts previously to the repeal thereof, such proceedings may be completed, and the fugitive surrendered, in the same manner as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

List of Crimes.

The following list of crimes is to be construed according to the law existing in England, or in a British possession, (as the case may be), at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act:—

Murder, and attempt and conspiracy to murder.

Manslaughter.

Counterfeiting and altering money and uttering counterfeit or altered money.

Forgery, counterfeiting, and altering, and uttering what is forged or counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Crimes by bankrupts against bankruptcy law.

Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company made criminal by any Act for the time being in force.

Rape.

Abduction.

Child stealing.

Burglary and housebreaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

SECOND SCHEDULE.

Form of Order of Secretary of State to the Police Magistrate.

To the chief magistrate of the metropolitan police courts or other magistrate of the metropolitan police court in Bow-street [or the stipendiary magistrate at —].

Whereas, in pursuance of an arrangement with —, referred to in an order of her Majesty in Council dated the — day of —, a requisition has been made to me, —, one of her Majesty's Principal Secretaries of State, by —, the diplomatic representative of —, for the surrender of —, late of —, accused [or convicted] of the commission of the crime of — within the jurisdiction of —: Now I hereby, by this my order under my hand and seal, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of the Extradition Act, 1870, relating to the issue of such warrant, are in your judgment complied with.

Given under the hand and seal of the undersigned, one of her Majesty's principal Secretaries of State, this — day of —, 18—.

From of Warrant of Apprehension by Order of Secretary of State.

Metropolitan police district [or county or borough of —] To all and each of the constables of the metropolitan police force [or of the county or borough of —].

Whereas the Right Honourable —, one of her Majesty's principal Secretaries of State, by order under his hand and seal, hath signified to me that requisition hath been duly made to him for the surrender of —, late of —, accused [or convicted] of the commission of the crime of — within the jurisdiction of —: This is therefore to command you in her Majesty's name forthwith to apprehend the said —, pursuant to the Extradition Act, 1870, wherever he may be found in the United Kingdom or Isle of Man, and

bring him before me or some other [*magistrate sitting in this court], to show cause why he should not be surrendered in pursuance of the said Extradition Act, for which this shall be your warrant.

Given under my hand and seal at [*Bow-street, one of the police courts of the metropolis] this — day of —, 18—.

J. P.

* Note.—Alter as require.

Form of Warrant of Apprehension without Order of Secretary of State.

Metropolitan police-district [or county or borough of —] } To all and each of the constables of the metropolitan police force [or of the county or borough of —], to wit.

Whereas it has been shown to the undersigned, one of her Majesty's justices of the peace in and for the metropolitan police district [or the said county or borough of —] that —, late of —, is accused [or convicted] of the commission of the crime of — within the jurisdiction of —: This is therefore to command you in her Majesty's name forthwith to apprehend the said —, and to bring him before me or some other magistrate sitting at this court [or one of her Majesty's justices of the peace in and for the county [or borough] of —] to be further dealt with according to law, for which this shall be your warrant.

Given under my hand and seal at Bow-street, one of the police courts of the Metropolis [or — in the county or borough aforesaid], this — day of —, 18—.

J. P.

Form of warrant for bringing prisoner before the police magistrate.

County [or borough of —] } To —, constable of the police force of —, and to all other peace officers in the said county [or borough] of —.

Whereas —, late of —, accused [or alleged to be convicted of] the commission of the crime of — within the jurisdiction of —, has been apprehended and brought before the undersigned, one of her Majesty's justices of the peace in and for the said county [or borough] of —: and whereas by the Extradition Act, 1870, he is required to be brought before the chief magistrate of the metropolitan police court, or one of the police magistrates of the metropolis sitting at Bow-street, within the metropolitan police district [or the stipendiary magistrate for —]: This is therefore to command you the said constable, in her Majesty's name forthwith to take and convey the said — to the metropolitan police district [or the said —], and there carry him before the said chief magistrate or one of the police magistrates of the metropolis sitting at Bow-street within the said district [or before a stipendiary magistrate sitting in the said —], to show cause why he should not be surrendered in pursuance of the Extradition Act 1870, and otherwise to be dealt with in accordance with law, for which this shall be your warrant.

Given under my hand and seal at — in the county [or borough] aforesaid, this — day of —, 18—.

Form of Warrant of Commitment.

Metropolitan police-district [or county or borough of —] } To —, one of the constables of the metropolitan police force [or of the police force of the county or borough of —], and to the keeper of the —.

Be it remembered, that on this — day of —, in the year of our Lord —, late of —, is brought before me —, the chief magistrate of the metropolitan police courts [or one of the police magistrates of the metropolis] sitting at the police court in Bow-street, within the metropolitan police district [or a stipendiary magistrate for —], to show cause why he should not be surrendered in pursuance of the Extradition Act, 1870, on the ground of his being accused [or convicted] of the commission of the crime of — within the jurisdiction of —, and forasmuch as no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Act: This is therefore to command you, the said constable, in her Majesty's name forthwith to convey and deliver the body of the said — into the custody of the said keeper of the — at —, and you the said keeper to receive the said — into your custody, and him there safely to keep until

he is thence delivered pursuant to the provisions of the said Extradition Act, for which this shall be your warrant.

Given under my hand and seal at Bow-street, one of the police courts of the metropolis [or at the said —], this — day of —, 18—.

J. P.

Form of warrant of Secretary of State for surrender of fugitive.

To the keeper of — and — to —.

Whereas —, late of —, accused [or convicted] of the commission of the crime of — within the jurisdiction of —, was delivered into the custody of you —, the keeper of —, by warrant dated —, pursuant to the Extradition Act, 1870: Now I do hereby, in pursuance of the said Act, order you, the said keeper, to deliver the body of the said — into the custody of the said —, and I command you the said —, to receive the said — into your custody, and to convey him within the jurisdiction of the said —, and there place him in the custody of any person or persons appointed by the said — to receive him, for which this shall be your warrant.

Given under the hand and seal of the undersigned, one of her Majesty's principal Secretaries of State, this — day of —.

THIRD SCHEDULE.

Year and chapter.	Title.
6 & 7 Vict. c. 75.	An Act for giving effect to a convention between her Majesty and the King of the French for the apprehension of certain offenders.
6 & 7 Vict. c. 76.	An Act for giving effect to a treaty between her Majesty and the United States of America for the apprehension of certain offenders.
8 & 9 Vict. c. 120.	An Act for facilitating execution of the treaties with France and the United States of America for the apprehension of certain offenders.
25 & 26 Vict. c. 70.	An Act for giving effect to a convention between her Majesty and the King of Denmark for the mutual surrender of criminals.
29 & 30 Vict. c. 121.	An Act for the amendment of the law relating to treaties of extradition.

CAP. LIII.

An Act to amend certain provisions in the Sanitary and Sewage Utilisation Acts. [9th August, 1870.]

1. *Short title.*

2. *All hospitals in metropolis held to be within district of every nuisance authority.*

3. *How notices shall be given in special drainage districts consisting of part of a parish or made up by more than one parish.*

4. *How orders and demands are to be served or sent in special drainage districts.*

CAP. LIV.

An Act to disfranchise certain voters of the city of Dublin. [9th August, 1870.]

CAP. LV.

An Act to vest jurisdiction in matters arising within the dominions of the Kings of Siam in the Supreme Court of the Straits Settlements.

[9th August, 1870.]

CAP. LVI.

An Act to enable the owners of settled estates in England and Ireland to charge such estates, within certain limits, with the expense of building mansions as residences for themselves. [9th August, 1870.]

Whereas by an Act of the 10th year of the reign of his late Majesty King George the Third, chapter 51, heirs of

entail in Scotland are enabled to charge their estates with sums of money laid out by them in building mansions as residences for themselves :

And whereas, such enactment having been found beneficial in that part of the United Kingdom, it is expedient to enable limited owners in other parts of the United Kingdom to build mansions on their estates as residences for themselves :

Be it therefore enacted, &c.

1. *Short title.*] This Act may be cited for all purposes as the "Limited Owners Residences Act, 1870."

2. *Act to be construed with 27 & 28 Vict. c. 114, "Improvement of Land Act, 1864."*] This Act shall be construed as one with the Act of the session of the 27th and 28th years of the reign of her present Majesty, intituled "Improvement of Land Act, 1864," and the words used in this Act shall be construed in like manner as in the said Act; and the provisions of the said Act shall be applicable, as far as the nature of the case requires, except as is herein otherwise provided, to proceedings under this Act.

3. *What to be deemed improvements within meaning of "Improvement of Land Act, 1864."*] The erection of mansion-houses and such other usual and necessary buildings, out-houses, and offices as are commonly appurtenant thereto, and held and enjoyed therewith, and completion of mansion-houses and such appurtenances as aforesaid, and improvement of and addition to mansion-houses and such appurtenances as aforesaid already erected, or the improvement of and addition to houses which are capable of being converted into mansion-houses suitable to the estate on which they stand, so as such improvement and addition be of a permanent nature, provided the mansion-houses so erected or enlarged or converted are suitable to the estate on which they stand as residences for the owners of such estate, shall be improvements within the meaning of the "Improvement of Land Act, 1864."

4. *Limit as to sum to be charged for mansion-houses.*] The sum charged on any estate under settlement in respect of mansion and other buildings hereinbefore mentioned shall not exceed two years rental of the said estate, after deducting all public charges and interest of debts and other incumbrances and annuities affecting or which may affect the inheritance after the death of the limited owner, or in the case of different estates settled to the same uses, and over which charges may have been imposed which affect the whole of such estates, after deducting from the rental of such of the said estates as may be charged with the cost of erecting mansion-houses and appurtenances as aforesaid in the manner hereinafter provided, so much of the debts and other appurtenances affecting the whole of the estates as shall bear to the whole of the said debts and incumbrances the same proportion as the rental of the estates to be charged with the cost of erecting a mansion-house and appurtenances shall bear to the rental of the whole of the estates settled to the same uses.

5. *Mode of calculating increased value resulting from outlay.*] In calculating whether the improvement would effect a permanent increase of the yearly value of the lands exceeding the yearly amount proposed to be charged thereon, the commissioners shall take into account the effect on such value of any sum expended by the landowner in erecting or adding to such mansion-house and appurtenances beyond the sum proposed to be charged.

6. *In such calculation, other lands settled to same uses may be taken into account.*] In making such calculation as aforesaid, and in considering the suitableness of such mansion-house and appurtenances so erected or enlarged as aforesaid to the estate, the commissioners may take into consideration any other lands in the neighbourhood of such estate settled to the same uses as the estate on which such mansion-house and appurtenances stand which, if enjoyed together therewith, would add to the letting value of such mansion-house.

7. *Discretionary power of certifying where erection of mansion-house suitable, &c.*] If the commissioners shall find that the erection or improvement of or addition to any such mansion-house and appurtenances are suitable to the estate, but would not in their estimation effect an increase of the yearly value of the lands exceeding the yearly amount proposed to be charged, it shall be in their discretion to certify such improvement.

8. *Insurance against fire.*] The provision in the Improvement of Land Act respecting assurance of buildings

against fire shall apply to mansion-houses and appurtenances improved or added to, as well as to those erected under this Act.

9. *Priority of charges.*] A charge on land made under this Act shall not take priority of any mortgage or other incumbrance affecting the land charged at the time such charge is made.

10. *Extent of Act.*] This Act shall not apply to Scotland.

CAP. LVII.

An Act to grant a duty of excise on licences to use guns. [9th August, 1870.

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making in addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the rate and duty hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Short title.*] This Act may be cited as "The Gun Licence Act, 1870."

2. *Definition of terms.*] In this Act the term "gun" includes a firearm of any description and an air gun or any other kind of gun from which any shot, bullet, or other missile can be discharged.

The term "commissioners" means the Commissioners of Inland Revenue.

3. *Duty on licence to use a gun.*] After the 1st day of April, 1870, there shall be granted and paid unto and for the use of her Majesty, her heirs and successors, for and in respect of every licence to be taken out yearly by every person who shall use or carry a gun in the United Kingdom the sum of ten shillings.

4. *Duty and licence to be under the management of the Commissioners of Inland Revenue.*] The said duty and licence shall be an excise duty and licence, and shall be under the management of the commissioners, and all the provisions in any Act relating to excise duties or licences or to penalties under excise Acts, and now or hereafter in force, shall apply to the said duty hereby granted, and the licence relating thereto, and the penalties hereby imposed, so far as the same are applicable and not inconsistent with the express provisions of this Act.

5. *Form and date of licence.*] Every licence to be granted under this Act shall be in such form and shall be granted by such officer of inland revenue, and at such place, as the commissioners shall direct, and shall contain the christian and surname and place of residence of the person to whom the same shall be granted, and shall be dated on the day on which the same shall be granted, and shall expire on the 31st day of March next following; but no licence under this Act shall be granted upon payment of a less sum than the duty for a whole year, nor shall any such licence be transferable.

6. *Register of licences to be kept.*] Every officer who shall grant licences under this Act shall keep a register of all such licences granted by him, specifying the christian and surname and place of residence of every person licensed, and the date of each licence, and any justice of the peace or officer of constabulary, or constable, or any person licensed under this Act, may at any convenient time inspect such register of licences for the current or preceding year.

7. *Penalty for using or carrying a gun without licence.*] Every person who shall use or carry a gun elsewhere than in a dwelling-house or the curtilage thereof without having in force a licence duly granted to him under this Act shall forfeit the sum of ten pounds: provided always, that the said penalty shall not be incurred by the following persons, namely:—

(1.) By any person in the naval, military, or volunteer service of her Majesty, or in the constabulary or other police force, using or carrying any gun in the performance of his duty, or when engaged in target practice:

(2.) By any person having in force a licence or certificate to kill game granted to him under the laws of excise in that behalf:

(3.) By any person carrying a gun belonging to a person having in force a licence or certificate to kill game or a licence under this Act, and by order of such licensed or certificated person and for the use of such licensed or certificated person only, if the person carrying the gun shall, upon the request of any officer of inland revenue or constabulary, or any constable, owner, or occupier of the land on which such gun shall be used or carried, give his true name and address, and also the true name and address of his employer:

(4.) By the occupier of any lands using or carrying a gun for the purpose only of scaring birds or of killing vermin on such lands, or by any person using or carrying a gun for the purpose only of scaring birds or of killing vermin on any lands by order of the occupier thereof, who shall have in force a licence or certificate to kill game or a licence under this Act:

(5.) By any gunsmith or his servant carrying a gun in the ordinary course of the trade of a gunsmith, or using a gun by way of testing or regulating its strength or quality in a place specially set apart for the purpose:

(6.) By any person carrying a gun in the ordinary course of his trade or business as a common carrier.

In any information for the recovery of the penalty imposed by this section, it shall be sufficient to allege that the defendant used or carried a gun without having a licence in force under this Act, and it shall lie upon the defendant to prove that he is a person not incurring the penalty by virtue of the proviso contained in this section.

8. *Where a gun is carried in parts by two or more persons.* Where a gun is carried in parts by two or more persons in company, each and every one of such persons shall be deemed to carry the gun.

9. *Licence to be produced on demand, or name and address declared, under penalty of £10.* It shall be lawful for any officer of inland revenue or for any officer of constabulary or any constable to demand from any person using or carrying a gun (not being a person in the naval, military, or volunteer service of her Majesty, or in the constabulary or other police force, using or carrying a gun in the performance of his duty) the production of a licence granted to such person under this Act.

If the person upon whom the demand is made shall not produce a licence duly granted to him under this Act, or a licence or certificate to kill game granted to him under the laws of excise, and permit the officer or constable demanding the production thereof to read such licence or certificate, it shall be lawful for such officer or constable to require such person to declare to him immediately his christian and surname and place of residence, and if such person shall refuse to declare his christian and surname and place of residence as aforesaid, he shall for such refusal forfeit the penalty of ten pounds over and above any other penalty to which he may be liable under this or any other Act of Parliament; and it shall be lawful for such officer or constable to arrest such person so refusing, and to convey him before any justice of the peace having jurisdiction at the place where the offence shall be committed, and such justice shall, upon due proof on oath of the offence, or upon the confession of the accused person, convict such person in the penalty aforesaid, or in some mitigated portion thereof, not being less than one-fourth; and if such penalty be not immediately paid into the hands of the officer or constable (who is hereby required to receive and pay over the same to the commissioners), such justice shall commit the offender to hard labour in the proper house of correction for any period not exceeding one month nor less than seven days, or until the penalty shall be sooner paid.

10. *Authorised officers may enter upon lands.* It shall be lawful for any officer of inland revenue, officer of constabulary, or constable, who may see any person using or carrying a gun to enter and remain so long as may be necessary upon any lands or upon any premises (other than a dwelling-house or the curtilage thereof) for the purpose of making the demand specified in the preceding section.

11. *Licence to be void if person be convicted under 1 & 2 Will. 4, c. 32, s. 30, or 2 & 3 Will. 4, c. 68.* If any person having obtained a licence under this Act shall be convicted of any offence under section thirty of the Act of the 1st and 2nd years of King William the 4th, chapter thirty-two, or under the Act of the 2nd and 3rd years of King William the 4th, chapter sixty-eight, the said licence shall thenceforth be null and void.

12. *Not to interfere with any other Act requiring authority to keep firearms.* No licence granted under this Act shall entitle the person to whom the same is granted to use, carry, or have in his custody or possession any firearm in any part of the United Kingdom where such person is by any other Act now or hereafter in force forbidden to use, carry, or have in his custody or possession any firearm, nor to entitle such person to use, carry, or have in his custody or possession any firearm unless he shall have obtained a licence or permission so to do from any authority empowered by any such other Act to grant such licence or permission.

CAP. LVIII.

An Act to further amend the law relating to indictable offences by forgery.

[9th August, 1870.]

Be it enacted, &c.

1. *Short title.* This Act may be cited as The Forgery Act, 1870.

2. *Construction and extent of Act.* This Act shall have effect as one Act with the Act described in the schedule to this Act, but shall extend to the United Kingdom.

3. *Forgery of stock certificates, &c.* If any person forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any stock certificate or coupon, or any document purporting to be a stock certificate or coupon, issued in pursuance of Part V. of The National Debt Act, 1870, or of any former Act,—or demands or endeavours to obtain or receive any share or interest of or in any stock as defined in the National Debt Act, 1870, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered certificate or coupon, or document purporting as aforesaid, knowing the same to be forged or altered,—with intent in any of the cases aforesaid to defraud, he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

4. *Personation of owners of stock.* If any person falsely or deceitfully personates any owner of any share or interest of or in any such stock as aforesaid, or of any such stock certificate or coupon as aforesaid, and thereby obtains or endeavours to obtain any such stock certificate or coupon,—or receives or endeavours to receive any money due to such owner, as if such person were the true and lawful owner,—he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

5. *Engraving plates, &c. for stock certificates, &c.* If any person, without lawful authority or excuse, the proof whereof shall lie on the party accused, engraves or makes on any plate, wood, stone, or other material, any stock certificate or coupon purporting to be such a stock certificate or coupon as aforesaid, or to be such stock certificate or coupon as aforesaid in blank, or to be a part of such a stock certificate or coupon as aforesaid,—or uses any such plate, wood, stone, or other material for the making or printing of any such stock certificate or coupon, or blank stock certificate or coupon as aforesaid, or any part thereof respectively,—or knowingly has in his custody or possession any such plate, wood, stone, or other material,—or knowingly offers, utters, disposes of, or puts off, or has in his custody or possession, any paper on which any such blank stock certificate or coupon as aforesaid, or part of any such stock certificate or coupon as aforesaid, is made or printed,—he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than five years, or to

be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

6. *Forgery of certificates of transfer of stocks from England to Ireland, &c.]* If any person forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any certificate or duplicate certificate required by Part VI. of the National Debt Act, 1870, or by any former like enactment, with intent in any of the cases aforesaid to defraud, he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

7. *Extension of provisions of Forgery Act to Scotland.]* Sections two and four and all provisions relative thereto of the Act described in the schedule to this Act, and all enactments amending those sections and provisions, or any of them, shall extend to Scotland.

8. *Alteration as to Scotland.]* In the application to Scotland of this Act, and of the enactments by this Act extended to Scotland, the term "high crime and offence" shall be substituted for the term "felony."

THE SCHEDULE.

Act referred to.

24 & 25 Vict c. 98.—An Act to consolidate and amend the statute law of England and Ireland, relating to indictable offences by forgery.

CAP. LIX.

An Act to render valid certain contracts informally executed in India. [9th August, 1870.

CAP. LX.

An Act to relieve the brokers of the city of London from the supervision of the Court of Mayor and Aldermen of the said city. [9th August, 1870.

Whereas by an Act of Parliament made in the 6th year of the reign of Queen Anne, intituled "An Act for repealing the Act of the 1st year of King James the First, intituled 'An Act for the well garbling of spices and for granting an equivalent to the city of London by admitting brokers,'" it was amongst other things enacted that from and after the determination of the then session of Parliament all persons that should act as brokers within the city of London and liberties thereof, should from time to time be admitted so to do by the court of mayor and aldermen of the said city for the time being, under such restrictions and limitations for their honest and good behaviour as the said court should think fit and reasonable, and should upon such their admission pay to the chamberlain of the said city for the time being, for the uses thereafter mentioned, the sum of forty shillings, and should also yearly pay to the said uses the sum of forty shillings upon the 29th day of September in every year; and it was further enacted that if any person or persons from and after the determination of the then session of Parliament should take upon him to act as a broker or employ any other under him to act as such within the said city and liberties, not being admitted as aforesaid, every such person so offending should forfeit and pay to the use of the said mayor and commonalty and citizens of the said city for every such offence the sum of £25, to be recovered as in the said Act is mentioned:

And whereas by an Act (local and personal) made and passed in the 57th year of the reign of King George the Third, intituled "An Act for granting an equivalent for the diminution of the profits of the office of gauger of the city of London, and increasing the payments to be made by brokers," after reciting amongst other things the before-mentioned Act, it was amongst other things enacted that all persons that from and after the 1st day of July next after the passing of that Act should be admitted to act as brokers within the city of London and liberties thereof by the said court in pursuance of the said recited Act of Parliament, should upon such their admission, over and above the sum of forty shillings required to be paid by the said recited

Act, pay to the chamberlain of the said city for the time being the sum of £3, and should also yearly pay to the said chamberlain, over and above the said yearly sum of forty shillings required to be paid by the said recited Act, the sum of £3 on the 29th day of September in every year; and it was amongst other things further enacted that so much of the said recited Act as imposed a penalty of £25 upon any person who should take upon him to act as a broker, or employ any person under him to act as such, not being admitted in pursuance of the said recited Act, should be and the same was thereby repealed; and that from and after the passing of the now reciting Act if any person should take upon him to act as a broker, or employ, or cause, permit, or suffer any person or persons to be employed with, under, or for him, to act as such within the said city and liberties, not being admitted in pursuance of the said recited Act, every such person so offending should forfeit and pay to the use of the mayor and commonalty and citizens of the said city for every such offence the sum of £100, to be recovered as in the now reciting Act is mentioned:

And whereas the said court of mayor and aldermen of the said city (hereinafter called "the court"), acting by virtue of the powers conferred upon them by the said recited Acts, or one of them, or by virtue of some other authority, have from time to time made and established rules and regulations for the admission of brokers within the city of London and liberties thereof, and have imposed restrictions and limitations on the manner in which the persons whom they have admitted into the office and employment of a broker within the said city and liberties thereof were and are to carry on their business as brokers, and have exercised and claim a right to exercise jurisdiction and control over such brokers for the purpose of enforcing the observance of the said regulations, restrictions, and limitations:

And whereas the said Court have also required every broker admitted by them to find two sureties, to be approved of by the said Court, to enter into a bond for the due and just execution by the broker of his said office and employment, or, in place of such sureties, have required such broker to transfer into the joint names of himself and the chamberlain of the said city stock in the public funds to the nominal amount of £1,000:

And whereas the said Court have also required each broker admitted by them to enter into his own bond in the penal sum of £1,000 to secure the due performance of his duties as a broker, and also to secure the annual payment of the sums of £2 and £3 to the chamberlain of the city, pursuant to the provisions of the said Acts of the 6th year of the reign of Queen Anne and of the 57th year of the reign of King George the Third:

And whereas it is expedient to relieve the said brokers from the necessity of providing such sureties or entering into such personal bond, and from the jurisdiction and supervision exercised by the said Court over the brokers in manner hereinafter provided:

May it therefore please your Majesty that it may be enacted; and be it enacted by this Queen's most Excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:—

1. *Short title.]* This Act may be cited as the "London Brokers Relief Act, 1870."

2. *Jurisdiction of the court of aldermen over brokers to cease.]* After the passing of this Act the court shall not require a broker, by himself or sureties, to give any bond on his admission as a broker, and the jurisdiction, supervision, and control of the said court over brokers in the said city of London and the liberties thereof shall cease, and the said court shall not have power to make or enforce any rules, orders, regulations, restrictions, limitations, or penalties affecting, except as hereinafter mentioned, the admission of such brokers, or the manner in which the business of such brokers shall be carried on.

3. *No bond to be enforced so far as relates to jurisdiction of court over brokers.]* No bond or declaration of trust executed by any broker in pursuance of any rules, orders, or regulations heretofore in force shall after the passing of this Act be put in suit or enforced, and all sums of stock transferred by way of security as aforesaid shall, from and after

the passing of this Act, be held in trust for the broker transferring the same, and upon no other trust.

4. *Pending proceedings not to be prejudiced.*] Nothing in this Act contained shall prejudice any proceedings actually commenced before the passing of this Act upon any such bond or declaration of trust.

5. *Saving existing rights.*] Except as herein expressly enacted, this Act shall not extend to take away from the said court such right as they now have under the recited Acts to require brokers to be admitted, or to repeal the penalty of £100 imposed by the said Act of 57 Geo. 3, in the case therein mentioned, or affect the liability of brokers when admitted to pay to the chamberlain of the said city, for the uses mentioned in the said recited Acts respectively, the sums of forty shillings and £3 on admission, and the yearly sums of forty shillings and £3, which are made payable by the said recited Acts respectively; and the said yearly sums of £2 and £3 may be recovered by the chamberlain of the said city for the time being in the Mayor's Court of the city of London, or in the City of London Court.

6. *Brokers committing fraud to be disqualified from acting as brokers.*] The court shall keep a list containing the names and addresses of all brokers who shall from time to time have been admitted, and if any such broker shall be convicted in any criminal court of felony or fraud, or if a judge of any of the superior courts of law or equity, or a judge in bankruptcy, shall, in any action, suit, or other proceeding, prosecute or depending before such judge, and to which such broker shall be a party, certify (as he is hereby empowered to do) that such broker has been guilty of fraud, and that he ought to be disqualified from acting as a broker altogether, or for such period as such judge shall name in the certificate, such broker shall accordingly be disqualified as from the date of such conviction or certificate, and his name shall thereupon be removed by the court of aldermen from the list of brokers either absolutely or for the time mentioned in such certificate.

CAP. LXI.

An Act to amend the law relating to life assurance companies.

[9th August, 1870.]

Be it enacted, &c.

1. *Short title.*] This Act may be cited as "The Life Assurance Companies Act, 1870."

2. *Interpretation of terms.*] In this Act—

The term "company" means any person or persons, corporate or unincorporate, not being registered under the Acts relating to friendly societies, who issue or are liable under policies of assurance upon human life within the United Kingdom, or who grant annuities upon human life within the United Kingdom.

The term "chairman" means the person for the time being presiding over the court or board of directors of the company:

The term "policy-holder" means the person who for the time being is the legal holder of the policy for securing the life assurance, endowment, annuity, or other contract with the company:

The term "financial year" means each period of twelve months at the end of which the balance of the accounts of the company is struck, or if no such balance is struck, then each period of twelve months ending with the 31st day of December:

The term "court" means, in the case of a company registered or having its head office in England, the High Court of Chancery; in the case of a company registered or having its head office in Ireland, the Court of Chancery in Ireland; in all cases of companies registered or having its head office in Scotland, the Court of Session, in either division thereof:

The term "registrar" means the registrar of joint stock companies in England and Scotland, and the assistant registrar of joint stock companies in Ireland.

3. *Deposit.*] Every company established after the passing of this Act within the United Kingdom, and every company established or to be established out of the United Kingdom, which shall after the passing of this Act commence to carry on the business of life assurance within the

United Kingdom, shall be required to deposit the sum of £20,000 with the Accountant-General of the Court of Chancery, to be invested by him in one of the securities usually accepted by the court for the investment of funds placed from time to time under its administration, the company electing the particular security and receiving the income therefrom; and the registrar shall not issue a certificate of incorporation unless such deposit shall have been made; and the Accountant-General shall return such deposit to the company so soon as its life assurance fund accumulated out of the premiums shall have amounted to £40,000.

4. *Life funds separate.*] In the case of a company established after the passing of this Act transacting other business besides that of life assurance, a separate account shall be kept of all receipts in respect of the life assurance and annuity contracts of the company, and the said receipts shall be carried to and form a separate fund, to be called the life assurance fund of the company, and such fund shall be as absolutely the security of the life policy and annuity holders as though it belonged to a company carrying on no other business than that of life assurance, and shall not be liable for any contracts of the company for which it would not have been liable had the business of the company been only that of life assurance; and in respect to all existing companies, the exemption of the life assurance fund from liability for other obligations than to its life policy-holders shall have reference only to the contracts entered into after the passing of this Act, unless by the constitution of the company such exemption already exists: provided always, that this section shall not apply to any contracts made by any existing company by the terms of whose deed of settlement the whole of the profits of all the business are paid exclusively to the life policy-holders, and on the face of which contracts the liability of the assured distinctly appears.

5. *Statements to be made by companies.*] From and after the passing of this Act every company shall, at the expiration of each financial year of such company, prepare a statement of its revenue account for such year, and of its balance sheet at the close of such year, in the forms respectively contained in the first and second schedules to this Act.

6. *Statements by company doing other than life business.*] Every company which, concurrently with the granting of policies of assurance or annuities on human life, transacts any other kind of assurance or other business shall, at the expiration of each such financial year as aforesaid, prepare statements of its revenue account for such year, and of its balance sheet at the close of such year, in the forms respectively contained in the third and fourth schedules of this Act.

7. *Actuarial report and abstract.*] Every company shall, once in every five years if established after the passing of this Act, and once every ten years if established before the passing of this Act, or at such shorter intervals as may be prescribed by the instrument constituting the company, or by its regulations or bye-laws, cause an investigation to be made into its financial condition by an actuary, and shall cause an abstract of the report of such actuary to be made in the form prescribed in the fifth schedule to this Act.

8. *Statement of life and annuity business.*] Every company shall, on or before the 31st day of December, 1872, and thereafter within nine months after the date of each such investigation as aforesaid into its financial condition, prepare a statement of its life assurance and annuity business in the form contained in the sixth schedule to this Act, each of such statements to be made up as at the date of the last investigation, whether such investigation be made previously or subsequently to the passing of the Act: provided as follows:—

- (1) If the next financial investigation after the passing of this Act of any company fall during the year 1873, the said statement of such company shall be prepared within nine months after the date of such investigation, instead of on or before the 31st day of December, 1872.
- (2) If such investigation be made annually by any company, such company may prepare such statement at any time, so that it be made at least once in every three years.

The expression date of each such investigation in this section shall mean the date to which the accounts of each company are made up for the purposes of each such investigation.

9. *Forms may be altered.*] The Board of Trade, upon the applications of or with the consent of a company, may alter the forms contained in the schedules to this Act, for the purpose of adapting them to the circumstances of such company, or of better carrying into effect the objects of this Act.

10. *Statements, &c., to be signed, and printed, and deposited with Board of Trade.*] Every statement or abstract hereinbefore required to be made shall be signed by the chairman and two directors of the company and by the principal officer managing the life assurance business, and, if the company has a managing director, by such managing director, and shall be printed; and the original, so signed as aforesaid, together with three printed copies thereof, shall be deposited at the Board of Trade within nine months of the dates respectively hereinbefore prescribed as the dates at which the same are to be prepared. And every annual statement so deposited after the next investigation shall be accompanied by a printed copy of the abstract required to be made by section seven.

11. *Copies of statements to be given to shareholders, &c.*] A printed copy of the last deposited statement, abstract, or other document by this Act required to be printed shall be forwarded by the company, by post or otherwise, on application, to every shareholder and policy-holder of the company.

12. *List of shareholders.*] Every company which is not registered under the Companies Act, 1862, and which has not incorporated in its deed of settlement section 10 of the Companies Clauses Consolidation Act, 1845, shall keep a shareholders' address book, in accordance with the provisions of that section, and shall furnish on application, to every shareholder and policy-holder of the company a copy of such book on payment of a sum not exceeding sixpence for every hundred words required to be copied for such purpose.

13. *Deed of settlement to be printed.*] Every company which is not registered under the Companies Act, 1862, shall cause a sufficient number of copies of its deed of settlement to be printed, and shall furnish, on application, to every shareholder and policy-holder of the company a copy of such deed of settlement on payment of a sum not exceeding two shillings and sixpence.

14. *Amalgamation or transfer.*] Where it is intended to amalgamate two or more companies, or to transfer the life assurance business of one company to another, the directors of any one or more of such companies may apply to the court, by petition, to sanction the proposed arrangement, notice of such application being published in the Gazette, and the Court, after hearing the directors and other persons whom it considers entitled to be heard upon the petition, may confirm the same if it is satisfied that no sufficient objection to the arrangement has been established.

Before any such application is made to the Court a statement of the nature of the amalgamation or transfer, as the case may be, together with an abstract containing the material facts embodied in the agreement or deed under which such amalgamation or transfer is proposed to be effected, and copies of the actuarial or other reports upon which such agreement or deed is founded, shall be forwarded to each policy-holder of both companies in case of amalgamation, or to each policy-holder of the transferred company in case of transfer, by the same being transmitted in manner provided by section 136 of the Companies Clauses Consolidation Act, 1845, for the transmission to shareholders of notices not requiring to be served personally; and the agreement or deed under which such amalgamation or transfer is effected shall be open for the inspection of the policyholders and shareholders at the office or offices of the company or companies for a period of fifteen days after the issuing of the abstract herein provided.

The Court shall not sanction any amalgamation or transfer in any case in which it appears to the Court that policy-holders representing one tenth or more of the total amount assured in any company which it is proposed to amalgamate,

or in any company the business of which it is proposed to transfer, dissent from such amalgamation or transfer.

No company shall amalgamate with another, or transfer its business to another, unless such amalgamation or transfer is confirmed by the Court in accordance with this section.

Provided always, that this section shall not apply in any case in which the business of any company which is sought to be amalgamated or transferred does not comprise the business of life assurance.

15. *Statements in case of amalgamation or transfer.*] When an amalgamation takes place between any companies, or when the business of one company is transferred to another company, the combined company or the purchasing company, as the case may be, shall, within ten days from the date of the completion of the amalgamation or transfer, deposit with the Board of Trade certified copies of statements of the assets and liabilities of the companies concerned in such amalgamation or transfer, together with a statement of the nature and terms of the amalgamation or transfer, and a certified copy of the agreement or deed under which such amalgamation or transfer is effected, and certified copies of the actuarial or other reports upon which such agreement or deed is founded; and the statement and agreement, or deed of amalgamation or transfer shall be accompanied by a declaration under the hand of the chairman of each company and the principal managing officer of each company, that to the best of their belief every payment made or to be made to any person whatsoever on account of the said amalgamation or transfer is therein fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities, or other property by or with the knowledge of any parties to the said amalgamation or transfer.

16. *Documents may be transferred from Board of Trade to registry of joint companies.*] The Board of Trade may direct any printed or other documents required by this Act, or certified copies thereof, to be kept by the registrar of Joint Stock Companies or other officer of the Board of Trade, and any person may, on payment of such fees as the Board of Trade may direct, inspect the same at his office, and procure copies thereof.

17. *Documents to be received in evidence.*] Every statement, abstract, or other document deposited with the Board of Trade or with the registrar of Joint Stock Companies under this Act shall be receivable in evidence; and every document purporting to be certified by one of the secretaries or assistant secretaries of the Board of Trade, or by the said registrar, to be such deposited document, and every document purporting to be similarly certified to be a copy of such deposited document, shall, if produced out of the custody of the Board of Trade or of the said registrar, be deemed to be such deposited document as aforesaid, or a copy thereof, and shall be received in evidence as if it were the original document, unless some variation between it and the original document shall be proved.

18. *Penalty for non-compliance with Act.*] Every company which makes default in complying with the requirements of this Act, shall be liable to a penalty not exceeding fifty pounds for every day during which the default continues; and if default continue for a period of three months after notice of default by the Board of Trade, which notice shall be published in one or more newspapers, as the Board of Trade may direct, and after such publication the Court may order the winding up of the company, in accordance with the Companies Act, 1862, upon the application of one or more policy-holders or shareholders.

19. *Penalty for falsifying statements, &c.*] If any statement, abstract, or other document required by this Act is false in any particular to the knowledge of any person who signs the same, such person shall be liable on conviction thereof on indictment to fine and imprisonment, or on summary conviction thereof to a penalty not exceeding fifty pounds.

20. *Penalties, how to be recovered and applied.*] Every penalty imposed by this Act shall be recovered and applied in the same manner as penalties imposed by the Companies Act, 1862, are recoverable and applicable.

21. *Other circumstances under which company may be wound up by the Court of Chancery.*] The Court may order the winding up of any company, in accordance with the Companies Act, 1862, on the application of one or more policy-

holders or shareholders, upon its being proved to the satisfaction of the Court that the company is insolvent; and in determining whether or not the company is insolvent the Court shall take into account its contingent or prospective liability under policies and annuity and other existing contracts; but the Court shall not give a hearing to the petition until security for costs for such amount as the judge shall think reasonable shall be given, and until a *prima facie* case shall also be established to the satisfaction of the judge, and in the case of a proprietary company having an uncalled capital of an amount sufficient with the future premiums receivable by the company to make up the actual invested assets equal to the amount of the estimated liabilities, the Court shall suspend further proceedings on the petition for a reasonable time (in the discretion of the Court) to enable the uncalled capital, or a sufficient part thereof, to be called up; and if at the end of the original or any extended time for which the proceedings shall have been suspended such an amount shall not have been realised by means of calls as, with the already invested assets, to be equal to the liabilities, an order shall be made on the petition as if the company had been proved insolvent.

22. *Power to Court to reduce contracts.*] The Court, in the case of a company which has been proved to be insolvent, may, if it thinks fit, reduce the amount of the contracts of the company upon such terms and subject to such conditions as the Court thinks just, in place of making a winding up order.

23. *Notices under this Act to policy-holders.*] Any notice which is by this Act required to be sent to any policy-holder may be addressed and sent to the person to whom notices respecting such policy are usually sent, and any notice so addressed and sent shall be deemed and taken to be notice to the holder of such policy.

24. *Statements, &c., to be laid before Parliament.*] The Board of Trade shall lay annually before Parliament the statements and abstracts of reports deposited with them under this Act during the preceding year.

25. *Exceptions.*] This Act shall not affect the Commissioners for the Reduction of the National Debt, nor the Postmaster-General, acting under the authorities vested in them respectively by the Acts—10 Geo. 4, c. 41; 3 & 4 Will. 4, c. 14; 16 & 17 Vict. c. 45, and 27 & 28 Vict. c. 43.

FIRST SCHEDULE.

Revenue Account of the —— for the year ending ——.

18— (Date.)	Amount of funds at the beginning of the year	£ s. d.	(Date.) 18—	Claims under policies (after deduction of sums re-assured)	£ s. d.
Premiums	Surrenders	...	...
Consideration for annuities granted	Annuities	...	...
Interest and dividends	Commission	...	...
Other receipts (accounts to be specified)			Expenses of management	...	...
		£	Dividends and bonuses to shareholders (if any)...	...	...
			Other payments (accounts to be speci- fied)	...	...
			Amount of funds at the end of the year, as per 2nd Schedule	...	...
					£

Note 1.—Companies having separate accounts for annuities to return the particulars of their annuity business in a separate statement.

Note 2.—Items in this and in the accounts in the Third and Fifth Schedules should be the net amounts after deduction of the amounts paid and received in respect of re-assurances.

SECOND SCHEDULE.

Balance Sheet of the —— on the ——, 18—.

LIABILITIES.	£ s. d.	ASSETS.	£ s. d.
Shareholders' capital paid up (if any)	£	Mortgages on property within the United Kingdom	...
Assurance fund	...	Do. do. out of the United Kingdom	...
Annuity fund (if any)	...	Loans on the company's policies	...
Other funds, if any, to be specified	—	Investments:	
Total funds as per 1st Schedule	£	In British Government securities	...
Claims admitted but not paid*	—	Indian and Colonial Government se- curities	...
Other sums owing by the company* (accounts to be specified)	—	Foreign Government	do.
		Railway and other debentures and de- benture stocks	...
		Do. shares (preference and ordinary)	...
		House property	...
		Other investments (to be specified)	...
		Loans upon personal security	...
		Agents' balances	...
		Outstanding premiums	...
		Do. interest	...
		Cash:	
		On deposit	£
		In hand and on current account	—
		Other assets (to be specified)	—
	£		£

* Note.—These items are included in the corresponding items in the First Schedule.

THIRD SCHEDULE.

Revenue Accounts of the —— for the year ending ——.

(No. 1.) LIFE ASSURANCE ACCOUNT.

(Date.)	Amount of life assurance fund at the beginning of the year Premiums, after deduction of re-assurance premiums Consideration for annuities granted Interest and dividends Other receipts (accounts to be specified)	(Date.)	Claims under life policies (after deduction of sums re-assured) Surrenders Annuities Commission Expenses of management Other payments (accounts to be specified) Amount of life assurance fund at the end of the year, as per 4th Schedule

Note.—Companies having separate accounts for annuities to return the particulars of their annuity business in a separate statement.

(No. 2.) FIRE ACCOUNT.

Amount of fire insurance fund at the beginning of the year Premiums received, after deduction of re-assurances Other receipts to be specified	Losses by fire, after deduction of re-assurances Expenses of management Commission Other payments to be specified Amount of fire insurance fund at the end of the year, as per 4th Schedule

Note.—When marine or any other branch of business is carried on, the income and expenditure thereof to be in like manner stated in a separate account.

(No. 3.) PROFIT AND LOSS ACCOUNT.

Balance of last year's account Interest and dividends not carried to other accounts... Profit realised (accounts to be specified) Other receipts	Dividends and bonuses to shareholders Expenses not charged to other accounts Loss realised (accounts to be specified) Other payments Balance as per 4th Schedule

Note.—This account is not required if the items have been incorporated in the other accounts of this schedule.

FOURTH SCHEDULE.

Balance Sheet of the —— on the ——, 18—.

LIABILITIES.	£ s. d.	ASSETS.	£ s. d.
Shareholders' capital	...	Mortgages on property within the United Kingdom	
General reserve fund (if any)	...	Do. do. out of the United Kingdom	
Life assurance fund*	...	Loans on the company's policies	...
Annuity fund (if any)*	...	Investments:	
Fire fund	...	In British Government securities	...
Marine fund	...	Indian and Colonial do.	...
Profit and loss (if any)	...	Foreign do.	...
Other funds (if any) to be specified	...	Railway and other debentures and debenture stocks	...
	£ s. d.	Do. shares (preference and ordinary)	...
Claims under life policies admitted but not yet paid* ...	...	House property	...
Outstanding fire losses	...	Other investments (to be specified)	...
Do. marine do.	...	Loans upon personal security	...
Other sums owing by the company (accounts to be specified)	...	Agents' balances	...
	£	Outstanding premiums	...
		Do. interest	...
		Cash:	
		On deposit ...	£
		In hand and on current account	—
		Other assets (to be specified)	...
	£		—

* If the life assurance fund is, in accordance with section 4 of this Act, a separate trust fund for the sole security of the life policy-holders, a separate balance sheet for the life branch may be given in the form contained in Schedule 2. In other respects the company is to observe the above form. See also note to 2nd Schedule.

FIFTH SCHEDULE.

Statement respecting the Valuation of the Liabilities under Life Policies and Annuities of the ——, to be made by the Actuary.

(The answers should be numbered to accord with the numbers of the corresponding questions.)

1. The date up to which the valuation is made.
2. The principles upon which the valuation and distribution of profits among the policy-holders are made, and whether these principles were determined by the instrument constituting the company, or by its regulations or bye-laws, or otherwise.
3. The table or tables of mortality used in the valuation.
4. The rate or rates of interest assumed in the calculations.
5. The proportion of the annual premium income (if any) reserved as a provision for future expenses and profits. (If none, state how this provision is made.)
6. The consolidated revenue account since the last valuation, or, in case of a company which has made no valuation, since the commencement of the business. (This return should be made in the form annexed.)
7. The liabilities of the company under life policies and annuities at the date of the valuation, showing the number of policies, the amount assured, and the amount of premiums payable annually under each class of policies, both with and without participation in profits; and also the net liabilities and assets of the company, with the amount of surplus or deficiency. (These returns should be made in the forms annexed.)
8. The time during which a policy must be in force in order to entitle it to share in the profits.
9. The results of the valuation, showing—
 - (1.) The total amount of profit made by the company.
 - (2.) The amount of profit divided among the policy-holders, and the number and amount of the policies which participated.
 - (3.) Specimens of bonuses allotted to policies for £100 effected at the respective ages of 20, 30, 40, and 50, and having been respectively in force for five years, ten years, and upwards, at intervals of five years respectively, together with the amounts apportioned under the various modes in which the bonus might be received.

(Form referred to under heading No. 7 in Fifth Schedule.)

Summary and Valuation of the Policies of the —— as at ——, 18—.

Description of Transactions.	Particulars of the POLICIES for Valuation.				VALUATION.				
	Number of policies.	Sums assured and bonuses.	Office yearly premiums.	Net yearly premiums, if ascertained.	Value by the Table, Interest	per cent.	Sums assured and bonuses.	Office yearly premiums.	Net yearly premiums, if computed.	Net liability.
ASSURANCES.									
I. <i>With participation in profits.</i>									
For whole term of life ...									
Other classes (to be specified) ...									
Extra premiums payable ...									
Total assurances with profits ...									
II. <i>Without participation in profits.</i>									
For whole term of life ...									
Other classes (to be specified) ...									
Extra premiums payable ...									
Total assurances without profits									
Total assurances									
Deduct re-assurances									
Net amount of assurances ...									
Adjustments, if any ...									
ANNUITIES.									
Immediate									
Other classes (to be specified) ...									
Total of the results						

The term "extra premium" in this Act shall be taken to mean the charge for any risk not provided for in the minimum contract premium. If policies are issued in or for any country at rates of premium deduced from tables other than the European mortality tables adopted by the company, separate schedules similar in form to the above must be furnished.

(Form referred to under heading No. 7 in Fifth Schedule.)

Valuation Balance Sheet of —— as at ——, 18—.

Dr.	£	Cr.	£
To net liability under assurance and annuity transactions (as per summary statement provided in Schedule 5) ... ... ...	...	By life assurance and annuity funds (as per balance sheet under Schedule 2 or 4) ...	...
To surplus (if any) ... ... ...	...	By deficiency (if any) ... ... ...	...

(Form referred to under heading No. 6 in the Fifth Schedule.)

Consolidated Revenue Account of the —— for years, commencing —— and ending ——.

Amount of funds on ——, 18—, the beginning of	£ s. d.	Claims under policies (after deduction of sums re-assured)	£ s. d.
Premiums (after deduction of re-assurance premiums)
Consideration for annuities granted
Interest and dividends
Other receipts (accounts to be specified)
	£ ——	£ ——	£ ——

SIXTH SCHEDULE.

Statement of the Life Assurance and Annuity Business of the —— on the ——, 18—.

(The answers should be numbered to accord with the numbers of the corresponding questions. Statements of re-assurances corresponding to the statements in respect of assurances under headings 2, 3, 4, 5, and 6 are to be given.)

1. The published table or tables of premiums for assurances for the whole term of life which are in use at the date above mentioned.

2. The total amount assured on lives for the whole term of life, which are in existence at the date above mentioned, distinguishing the portions assured with and without profits, stating separately the total reversionary bonuses, and specifying the sums assured for each year of life from the youngest to the oldest ages.

3. The amount of premiums receivable annually for each year of life, after deducting the abatements made by the application of bonuses, in respect of the respective assurances mentioned under heading No. 2, distinguishing ordinary from extra premiums.

4. The total amount assured under classes of assurance business other than for the whole term of life, distinguishing the sums assured under each class, and stating separately the amount assured with and without profits, and the total amount of reversionary bonuses.

5. The amount of premiums receivable annually in respect of each such special class of assurances mentioned under heading No. 4, distinguishing ordinary from extra premiums.

6. The total amount of premiums which has been received from the commencement upon all policies under each

special class mentioned under heading 4 which are in force at the date above mentioned.

7. The total amount of immediate annuities on lives, distinguishing the amounts for each year of life.

8. The amount of all annuities other than those specified under heading No. 7, distinguishing the amount of annuities payable under each class, the amount of premiums annually receivable, and the amount of consideration money received in respect of each such class, and the total amount of premiums received from the commencement upon all deferred annuities.

9. The average rate of interest at which the life assurance fund of the company was invested at the close of each year during the period since the last investigation.

10. A table of minimum values, if any, allowed for the surrender of policies for the whole term of life and for endowments and endowment assurances, or a statement of the method pursued in calculating such surrender values, with instances of its application to policies of different standing and taken out at various interval ages from the youngest to the oldest.

Separate statements to be furnished for business at other than European rates, together with a statement of the manner in which policies on unhealthy lives are dealt with.

CAP. LXII.

An Act to amend and extend the Acts relating to factories and workshops. [9th August, 1870.]

Whereas it is expedient to extend the Acts relating to factories to print works and bleaching and dyeing works, and to amend the Acts relating to factories and workshops : Be it enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited as "The Factory and Workshop Act, 1870."

PART I.—PRINT WORKS AND BLEACHING AND DYEING WORKS.

2. *Construction of Act.*] This part of this Act shall be construed as one with the Factory Acts Extension Act, 1867, in this part of this Act referred to as the principal Act.3. *Definition of terms.*] In this Act—

The term "print works" means any premises in which any persons are employed to print figures, patterns, or designs, upon any cotton, linen, woollen, worsted, or silk yarn, or upon any woven or felted fabric, not being paper :

The term "bleaching and dyeing works" means any premises, whether in the open air or not, in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on.

4. *Application of Factory Acts to print works and bleaching and dyeing works.*] After the 1st day of January, 1872, the principal Act and the schedule thereto (containing the permanent modifications) shall apply to print works and bleaching and dyeing works, in the same manner in all respects as if the word "factory" had been defined by section 3 of the principal Act to mean print works and bleaching and dyeing works, subject, nevertheless, to the following qualification :—

The schedule to the principal Act, shall be construed as if there were contained in that schedule the permanent modifications contained in the first schedule to this Act.

Provided that during the year beginning on the 1st day of January, 1871, the following regulations shall be observed in print works, in Turkey-red dyeing works, and in the process of open-air bleaching, that is to say :—

1. Children shall be employed only for the same time and subject to the same conditions for and subject to which young persons exceeding thirteen years of age will be allowed to be employed therein after the 1st day of January, 1872.

2. No woman and no female child or young person shall be employed at night except so far as she will be allowed to be so employed after the 1st day of January, 1872.

And for the purpose of enforcing the said regulations the principal Act shall apply to such works and process in the same manner and subject to the same qualification as it will apply thereto after the 1st day of January, 1872.

5. *Repeal of Acts.*] After the 1st day of January, 1872, the Acts mentioned in the first part of the 3rd schedule to

this Act shall be repealed, and the Act mentioned in the second part of the same schedule shall be repealed to the extent in the third column of that schedule mentioned.

PART II.—FRUIT AND FISH PRESERVES.

6. *Modification as regards manufactures of preserves of fruit and fish of 30 & 31 Vict. c. 103, and 30 & 31 Vict. c. 146.]* The schedule to the Factory Acts Extension Act, 1867, and the schedule to the Workshop Regulation Act, 1867, shall be construed as if there were contained in each of those schedules the permanent modification contained in the second schedule to this Act.

FIRST SCHEDULE.

PERMANENT MODIFICATIONS.

1. Whereas the customs or exigencies of the trade require that in print works and bleaching and dyeing works male young persons of the age of sixteen years and upwards should be occasionally employed beyond the hours allowed by the Factory Acts: It shall be lawful for one of her Majesty's Principal Secretaries of State, on due proof to his satisfaction that such customs or exigencies exist in the case of any print works, or bleaching and dyeing works, and that such occasional employment is not injurious to the health of such male young persons, from time to time, by order to be advertised in the London Gazette, or otherwise published in such manner as he may think fit, to give permission that in the case of any particular factory or class of factories male young persons of sixteen years of age and upwards may be employed for a period not exceeding fifteen hours on any one day:

Provided that—

1st. They are not so employed except between the hours of six in the morning and nine in the evening.

2nd. In addition to the time allowed under the Factory Acts for meals they shall be allowed half-an-hour for a meal after the hour of six in the evening.

3rd. They are not so employed on the whole for more than seventy-two days in any period of twelve months, or for more than five consecutive days in any one week.

2. Where it is shown to one of her Majesty's Principal Secretaries of State that, by reason of the nature of any process in any print works or bleaching and dyeing works, the time for the completion of such process cannot be accurately fixed, it shall be lawful for such Secretary of State from time to time, by order to be advertised in the London Gazette or otherwise published in such manner as he may think fit, to give permission in the case of any factory or class of factories that if, during the time limited by the order or during the continuance of the order, such process is in an incomplete state at the hour at which any child, young person, or woman employed in such process is required by this Act to cease work, such child, young person, or woman may be employed in such process for a period not exceeding thirty minutes beyond the said hour.

3. *See 7 & 8 Vict. c. 15, ss. 33, 34. 13 & 14 Vict. c. 54, s. 5. 16 & 17 Vict. c. 104, s. 3.]* In bleaching and dyeing works time lost by the breakage of machinery or by reason of frost or snow may be recovered in the same manner and subject to the same conditions as time lost by stoppages from want of water or from too much water may be recovered under the Factory Acts.

4. *See 23 & 24 Vict. c. 78, s. 8.]* So much of the Factory Acts as provides that all the young persons employed in a factory shall have the time for meals at the same period of the day shall not apply to male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on; and nothing in the Factory Acts shall be deemed to prevent in any such part any male young person, during the time allowed for meals to any other young person, or to any child or woman, from being employed or allowed to remain in any room in which any manufacturing process is carried on, or to prevent, during the time allowed for meals to any male young person, any other young person or any child or woman from being employed or allowed to remain in any room in which any manufacturing process is carried on.

5. *7 & 8 Vict. c. 15, s. 31.*—So much of the Factory Acts as provides that in any factory in which the labour of young persons is restricted to ten hours in any one day a child may be employed ten hours in any one day on three alternate

days of every week, subject to the conditions specified in the said Factory Acts, shall extend to authorise, in print works and bleaching and dyeing works in which the labour of young persons is restricted to ten hours and a half in any one day, the employment of children for ten hours and a half in any one day on three alternate days of every week, subject to the said conditions.

6. In the operation of bleaching by the open-air process, and in the process of Turkey-red dyeing, whenever emergencies arising from the state of the weather or the nature of the processes render it necessary, any woman or young person may, subject to the provisions of the principal Act and this Act, work according to the accustomed hours of the trade: provided that—

- (1.) The hours of actual work do not exceed ten and a half hours in any one day:
- (2.) The hours of actual work do not exceed sixty hours in any one week, such week to be reckoned between midnight on Saturday night and midnight on the succeeding Saturday night:
- (3.) Reasonable intervals for meals, amounting in the whole to not less than the amount of time required for such intervals by the Factory Acts, shall be allowed to such woman or young person:
- (4.) No such woman or young person shall be so employed between seven o'clock in the evening and five o'clock next morning:

Provided that, for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey-red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching, women and young persons may be employed so far as is necessary for the purpose of preventing such damage.

7. Whereas the exigencies of the processes of Turkey-red dyeing require that the hours between which young persons and women, or certain sets of them, may be employed, should be varied so as to correspond to the accustomed hours of the trade: It is hereby declared, that it shall be lawful for one of her Majesty's Principal Secretaries of State from time to time, by order, to be advertised in the London Gazette, or otherwise published in such manner as he may think fit, to give permission in the case of any particular factory or class of factories in which the process of Turkey-red dyeing is carried on, young persons and women, or any of them, or any sets of them, or of any of them, may, during the time specified in the order, or until further order, or on any day or days named in such order, be employed in such process between the hours specified in the order instead of between the hours prescribed by the Factory Acts; and, so far as respects the persons referred to in any such order, the Factory Acts shall, during the continuance of such order, be read as if the hours specified in the order were, throughout such Acts, substituted for the hours prescribed by the Factory Acts: provided that—

- (1.) No young person or woman shall be employed in pursuance of such order after half-past four o'clock in the afternoon of Saturday.

- (2.) Notice of the hours between which women and young persons are to be employed in pursuance of this modification, in such form as the inspectors of factories may direct, and signed by one of such inspectors, and the occupier or his agent, shall, during the continuance of the order, be kept hung up in such conspicuous place in the factory as may be required by one of such inspectors.

8. Where, under the modifications contained in any schedule to the principal Act or to this Act, any child, young person, or woman is employed otherwise than under an order of the Secretary of State, during any hours different from those of the Factory Acts, the day on which and the period during which he or she is so employed shall be entered by the occupier of the factory in a register, which shall be in such form as the inspectors of factories may direct, and shall be deemed to be a register within the meaning of the Factory Acts.

SECOND SCHEDULE.

PERMANENT MODIFICATION.

See modification 14 in 30 & 31 Vict. c. 103, Sch.—In the manufacture of preserves from fruit, and in the processes of preserving or curing fish, women may be employed between the first of June and the twenty-fourth day of December for a period not exceeding fourteen hours on any one day:

Provided that—

- 1st. They shall not be so employed except between the hours of six in the morning and eight in the evening, or in a factory in which permission has been given by the Secretary of State to work between the hours of seven in the morning and seven in the evening, or of eight in the morning and eight in the evening, then except between the hours of seven in the morning and nine in the evening, or eight in the morning and ten in the evening, as the case may be.
- 2nd. In addition to the time allowed under the Factory Acts for meals, they shall be allowed half an hour for a meal after the hour of five in the evening.
- 3rd. They shall not be so employed on the whole for more than ninety-six days during the said period between the 1st day of June and the 24th day of December.
- 4th. They shall not be so employed for more than five consecutive days in any one week.

THIRD SCHEDULE.

FIRST PART.

Acts wholly repealed.

Year and chapter.	Title.
8 & 9 Vict. c. 29.	An Act to regulate the labour of children, young persons, and women in the print works.
10 & 11 Vict. c. 70.	An Act to amend the law as to the school attendance of children employed in print works.
23 & 24 Vict. c. 78.	An Act to place the employment of women, young persons, and children in bleaching works and dyeing works under the regulations of the Factories Acts.
25 & 26 Vict. c. 8.	An Act to prevent the employment of women and children during the night in certain operations connected with bleaching by the open-air process.
26 & 27 Vict. c. 38.	An Act to amend the Act for placing the employment of women, young persons, and children in bleaching and dyeing works under the regulation of the Factories Acts.
27 & 28 Vict. c. 98.	An Act for extending the provisions of "The Bleaching and Dyeing Works Act, 1860."

SECOND PART.

Act partly repealed.

Year and chapter.	Title.	Extent of repeal.
30 & 31 Vict. c. 103.	The Factory Acts Extension Act, 1867.	Paragraphs 2 and 3 of section 5.

CAP. LXIII.

An Act to limit wages arrestment in Scotland.
[9th August, 1870.]

CAP. LXIV.

An Act to amend the Petty Sessions Clerk (Ireland) Act, 1858.
[9th August, 1870.]

CAP. LXV.

An Act to amend the law relating to advertisements respecting stolen goods.
[9th August, 1870.]

24 & 25 Vict. c. 98, s. 102.] Whereas under section 102 of the Act of the session of the 24th and 25th years of the reign of her present Majesty, chapter 98, intituled "An Act to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences,"

any person who prints or publishes advertisements for and return of stolen goods without questions being asked, or like advertisements therein mentioned, forfeits the sum of £50 to any person who will sue for the same by action of debt:

And whereas the provision in the said section has given occasion to many vexatious proceedings at the instance of common informers against printers and publishers of newspapers, and it is expedient to discourage the same:

Be it enacted, &c.

1. *Short title.*] This Act may be cited as The Larceny (Advertisements) Act, 1870, and shall be construed as one with the recited Act, which may be cited as The Larceny Act, 1861, and that Act and this Act may be cited together as the Larceny Acts of 1861 and 1870.

2. *Definition of "newspaper."*] In this Act the term "newspaper" means a newspaper as defined for the purposes of the Acts for the time being in force relating to the carriage of newspapers by post.

3. *Limitation of actions for advertisements of reward for return of stolen property.*] Every action against the printer or publisher of a newspaper to recover a forfeiture under section 102 of the Larceny Act, 1861, shall be brought within six months after the forfeiture is incurred, and no such action against the printer or publisher of a newspaper shall be brought unless the assent in writing of her Majesty's Attorney-General or Solicitor-General for England, if the action is brought in England, or for Ireland, if the action is brought in Ireland, has been first obtained to the bringing of such action.

4. *Stay of proceedings in action brought before passing of the Act.*] Where any action has been brought before the passing of this Act against the printer or publisher of any newspaper for the recovery of any forfeiture incurred under section 102 of The Larceny Act, 1861, the defendant in such action may apply to a judge, if the action is brought in England, of one of the Superior Courts at Westminster, and if the action is brought in Ireland, of one of the Superior Courts at Dublin; and such judge upon such application and upon proof that sufficient notice of the application has been given to the plaintiff or his attorney, shall order that upon payment by the defendant of the plaintiff's costs out of pocket, incurred in the action up to the time of the application, the action shall be discontinued, or (if the forfeiture was incurred within six months before the passing of this Act) shall be discontinued unless the plaintiff before the expiration of six months from the date of the forfeiture obtained the assent required by this Act to the bringing of such action, and shall be stayed until such assent is obtained.

CAP. LXVI.

An Act to make further provision for the government of British Columbia.
[9th August, 1870.]

CAP. LXVII.

An Act to shorten the time of active service in the army, and to amend in certain respects the law of enlistment.
[9th August, 1870.]

CAP. LXVIII.

An Act to amend the Acts relating to the militia of the United Kingdom.
[9th August, 1870.]

CAP. LXIX.

An Act for further promoting the revision of the statute law by repealing certain enactments that have ceased to be in force or are consolidated by certain Acts of the present session.
[9th August, 1870.]

CAP. LXX.

An Act to facilitate in certain cases the obtaining of powers for the construction of gas and water works and for the supply of gas and water.
[9th August, 1870.]

Be it enacted, &c.

Preliminary.

1. *Short Title.*] This Act may be cited for all purposes as "The Gas and Water Works Facilities Act, 1870."

36. *Interpretation of Terms.* For the purposes of this Act the terms hereinafter mentioned shall have the meanings hereinafter assigned to them, that is to say:—

* The term "local authority" shall mean the bodies of persons named in the table in the schedule (A.) to this Act annexed:

The term "road" shall mean any carriage-way being a public highway, and any bridge forming part of the same:

The term "road authority" shall mean any local authority, board, town council, body corporate, commissioners, trustees, vestry, or other body or persons in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road:

The term "district," in relation to a local authority, shall mean the area within the jurisdiction of such local authority:

The term "The Lands Clauses Acts" means, so far as the provisional order in which that term is used relates to England or Ireland, the Lands Clauses Consolidation Act, 1845; and, so far as the same relates to Scotland, the Lands Clauses Consolidation (Scotland) Act, 1845; together with, in each case, the Lands Clauses Consolidation Acts Amendment Act, 1860.

Description of cases within this act.

3. *Act to apply to certain cases.* This Act shall apply where powers are required for all or any of the purposes following:—

- (1) To construct or to maintain and continue gas works and works connected therewith, or to manufacture and supply gas in any district within which there is not an existing company, corporation, body of commissioners, or person empowered by Act of Parliament to construct such works or to manufacture and supply gas:
- (2) To construct or to maintain and continue waterworks and works connected therewith, or to supply water in any district within which there is not an existing company, corporation, body of commissioners, or person empowered by Act of Parliament to construct such works and to supply water:
- (3) To raise additional capital necessary for any of the purposes aforesaid:
- (4) To enable two or more companies or persons duly authorised to supply gas or water in any district or in adjoining districts to enter into agreements jointly to furnish such supply, or to amalgamate their undertakings:
- (5) To authorise two or more companies or persons supplying gas or water in any district or in adjoining districts to manufacture and supply gas or to supply water, and to enter into agreements jointly to furnish such supply and amalgamate their undertakings:

and such purposes, or any one or more of them, as the case may be, shall, for the purposes of this Act, be deemed to be included in the term "gas undertaking" or "water undertaking," according as the same relate to the supply of gas or water; provided that any gas or water company empowered as aforesaid may apply for and avail themselves of the facilities of this Act within their own districts respectively.

Provisional orders authorising gas and water undertakings.

4. *By whom provisional orders authorising undertakings may be obtained.* Provisional orders authorising any gas undertaking or water undertaking under the authority of this Act may be obtained in any district by any company, companies, or person; and in the construction of this Act the term "the undertakers" shall be deemed to include any such company, companies, or person.

Where the undertakers require powers for the purpose of constructing gasworks or waterworks, or works connected therewith within any district, the consent of the local authority of such district shall be necessary before any provisional order can be obtained; and where in such district there is a road authority distinct from the local authority, the consent of such road authority shall also be necessary in any case where power is sought to break up any road of such road authority, before any provisional order can be obtained, unless the Board of Trade in any case in which the consent of the local authority or road authority is refused are of opinion, after inquiry that, having regard to

all the circumstances of the case, such consent ought to be dispensed with, and in such case they shall make a special report, stating the grounds upon which they have dispensed with such consent.

5. *Notices and deposit of documents by promoters as in schedule.* The undertakers intending to make an application for a provisional order in pursuance of this Act shall proceed as follows:

- (1) On or before the 1st of November next before their application they shall give notice in writing of their intention to make the same to every company, corporation, or person (if any) supplying gas (if the proposed application relates to gasworks) or water (if the proposed application relates to waterworks) within the district to which the proposed application refers:
- (2) In the months of October and November next before their application, or in one of those months, they shall publish notice of their intention to make such application by advertisement, according to the regulations contained in part 1 of the schedule (B.) to this Act; and where it is proposed to abstract water from any stream for any waterwork, they shall give notice in writing of their intention to make such application to the owners or reputed owners, lessees or reputed lessees, and occupiers of all mills and manufactory or other works using the waters of such stream for a distance of twenty miles below the point at which such water is intended to be abstracted, such distance to be measured along the course of such stream, unless such waters shall within a less distance than twenty miles fall into or unite with any navigable stream and then only to the owners or reputed owners, lessees or reputed lessees, and occupiers of such mills and manufactory as aforesaid which shall be situate between the point at which such water is proposed to be abstracted and the point at which such waters shall fall into or unite with such navigable stream; and such notice shall state the name (if any) by which the stream is known at the point at which such water shall be immediately abstracted, and also the parish in which such point is situate, and the time and place of the deposit of the plans and sections required by this Act to be deposited:
- (3) On or before the 30th day of the same month of November they shall deposit the documents described in part 2 of the same schedule, according to the regulations therein contained:
- (4) On or before the 23rd day of December in the same year they shall deposit the documents described in part 3 of the same schedule, according to the regulations therein contained.

All maps, plans, and documents required by this Act to be deposited for the purposes of any provisional order may be deposited with the persons and in the manner directed by the Act of the session of Parliament held in the seventh year of the reign of his late Majesty King William the Fourth and the first year of her present Majesty, intituled "An Act to compel clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament;" and all the provisions of that Act shall apply accordingly.

6. *Power for Board of Trade to determine on applications and on objection.* The Board of Trade shall consider the application, and also any objection thereto that may be lodged with them on or before such day as they from time to time appoint, and shall determine whether or not the undertakers may proceed with the application.

7. *Power for Board of Trade to make provisional order.* Where it appears to the Board of Trade expedient and proper that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, and it has been proved to their satisfaction that all the requisitions of section 5 of this Act have been in all respects complied with, the Board of Trade may settle and make a provisional order accordingly.

Every such provisional order if it relates to gasworks shall expressly restrict the undertakers from manufacturing gas or any residual products arising in the manufacture of gas on any land except such as is specified in that behalf

in the order; and shall also expressly restrict them from storing gas on any land except such as is specified in that behalf in the order within 300 yards from any dwelling-house existing at the time when the undertakers propose to store gas on such land, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Form and contents of provisional order.] Every such provisional order shall contain such other provisions as, according to the nature of the application and the facts and circumstances of each case, the Board of Trade thinks fit to submit to Parliament for confirmation in manner provided by this Act; but so that any such provisional order shall not contain any provision for empowering the undertakers or any other person to acquire lands otherwise than by agreement, or to acquire any lands, even by agreement, except to an extent therein limited.

Costs of order.] The costs of and connected with the preparation and making of each provisional order shall be paid by the undertakers, and the Board of Trade may require the undertakers to give security for such costs before they proceed with the provisional order.

Publication of provisional order as in schedule.] When a provisional order has been made as aforesaid and delivered to the undertakers, the undertakers shall forthwith deposit and publish the same by advertisement according to the regulations contained in part four of the schedule (B.) to this Act.

Confirmation of provisional order by Act of Parliament.] On proof to the satisfaction of the Board of Trade of the completion of such publication as aforesaid, the Board of Trade shall, as soon as they conveniently can after the expiration of seven days from the completion of such publication in relation to any provisional order which shall have been published as aforesaid, not later than the 25th of April in any year procure a bill to be introduced into either House of Parliament for an Act to confirm the provisional order, which shall be set out at length in the schedule to the bill; but until confirmation by Act of Parliament a provisional order under this Act shall not have any operation.

If while any such bill is pending in either House of Parliament a petition is presented against any provisional order comprised therein, the bill, so far as it relates to the order petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a bill for a special Act.

The Act of Parliament confirming any provisional order under this Act shall be deemed a public general Act.

Incorporation of general Acts in provisional order.] The provisions of the Lands Clauses Act shall be incorporated with every provisional order under this Act, save where the same are expressly varied or excepted by any such provisional order, and except as to the following provisions, namely:—

- (1.) With respect to the purchase and taking of lands otherwise than by agreement:
- (2.) With respect to the entry upon lands by the promoters of the undertaking.

Where a provisional order authorises a gas undertaking the provisions of the Gasworks Clauses Act, 1847, shall be incorporated with such provisional order, save where the same are thereby expressly varied or excepted.

Where a provisional order authorises a water undertaking

the provisions of the Waterworks Clauses Act, 1847, and of the Waterworks Clauses Act, 1863, shall be incorporated with such provisional order, save where the same are thereby expressly varied or excepted.

For the purposes of such incorporation a provisional order under this Act shall be deemed the special Act.

Cesser of powers at expiration of prescribed time.] If any undertakers empowered by any provisional order under this Act to make works do not, within three years from the date of such provisional order, or within any shorter period prescribed therein, complete the works; or,

If within one year from the date of the provisional order, or within such shorter time as is prescribed in the provisional order, the works are not substantially commenced; or

If the works are commenced, but whilst the powers to carry them on exist are suspended without a reason sufficient in the opinion of the Board of Trade to warrant such suspension;

the powers given by the provisional order to the undertakers for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as is then completed, unless the time be prolonged by the special direction of the Board of Trade.

A statement in writing by the Board of Trade to the effect that such works have not been completed, or that the works have not been substantially commenced, or that they have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non-completion, non-commencement, or suspension.

Gas rents and water rates in schedule.] The undertakers empowered by any provisional order under this Act may demand and take, in respect of gas or water supplied by them under the authority of such provisional order, rents and rates respectively not exceeding the sums specified in such provisional order, subject and according to the regulations therein specified.

Company not exempt from provisions of general Act.] Nothing in any provisional order, or Act confirming the same, shall exempt the undertaking, or the company, corporation, or person to whom it belongs, from the provisions of any general Act of Parliament relating to gasworks or waterworks, passed after the passing of this Act, or from any revision or alteration under the authority of Parliament of the maximum rents and rates allowed to be taken under the provisional order.

Queen in council may substitute any department for Board of Trade for the purposes of this Act.] For the purpose of carrying into effect the provisions of this Act, it shall be lawful for her Majesty at any time after the passing of this Act, by order in council, to substitute for the Board of Trade any other department of her Majesty's Government, and from and after such time as may be specified for the purpose in any such order, or if no time be specified therein from and after the date of such order, all matters to be done in pursuance of this Act by or in connection with the Board of Trade shall be done by or in connection with such substituted department.

Act not to apply to metropolis.] This Act shall not apply to any place within the metropolis, as the same is defined in the Metropolis Management Act, 1855.

SCHEDULE A.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.
<i>England and Wales.</i>	
Boroughs (1.)	
Any place other than a borough, and under the jurisdiction of commissioners, trustees, or other persons intrusted by any Local Act with powers of improving, cleansing, or paving any town.	The mayor, aldermen, and burgesses acting by the council
Any place not included in the above descriptions, and within the jurisdiction of local board constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or one of such Acts.	The commissioners, trustees, or other persons intrusted by the Local Act with powers of improving, cleansing, or paving the town.
Any place or parish not within the above descriptions, and in which a rate is levied for the maintenance of the poor.	The local board.
	The vestry, select vestry, or other body of persons, acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry.

SCHEDULE A (continued).

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.
<i>Scotland.</i>	
Places within the jurisdiction of any town council, and not subject to the separate jurisdiction of police commissioners or trustees.	The town council.
In places within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any General or Local Act.	The police commissioners or trustees.
In any parish or part thereof over which the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend.	The parochial board.
<i>Ireland.</i>	
The city of Dublin	The Right Honourable the Lord Mayor, aldermen, and burgesses, acting by the town council.
Towns corporate, with exception of Dublin	The mayor, aldermen, and burgesses, acting by the town council.
Towns having commissioners under an Act made in the 9th year of the reign of George the Fourth, intituled "An Act to make provision for the Lighting, Cleansing, and Watching of Cities and Towns Corporate and Market Towns in Ireland in certain cases."	The commissioners.
Towns having municipal commissioners under 3 & 4 Vict. c. 108.	The municipal commissioners.
Towns having town commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103), or any Acts amending the same, or under any Local Act.	The town commissioners.
Townships having commissioners under Local Acts ...	The township commissioners.

(1.) "Borough" shall mean any place for the time being subject to an Act passed in the session holden in the 5th and 6th years of the reign of King William the Fourth, chapter 76, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales."

SCHEDULE B.

PROVISIONAL ORDERS.

PART I.

Advertisement in October or November of intended application.

(1.) Every advertisement is to contain the following particulars:—

1. The objects of the intended application.
2. A general description of the nature of the proposed new works, if any.
3. The names of the townlands, parishes, townships, and extra-parochial places in which the proposed new works, if any, will be made.
4. The times and places at which the deposit under part 2 of this schedule will be made.
5. An office, either in London or at the place to which the intended application relates, at which printed copies of the draft provisional order, when deposited, and of the provisional order, when made, will be obtainable as hereinafter provided.

(2.) The whole notice is to be included in one advertisement, which is to be headed with a short title descriptive of the undertaking.

(3.) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in the district affected by the proposed undertaking; where the proposed works (if any) will be made; or if there be no such newspaper, then in some one and the same newspaper published in the county in which every such district, or some part thereof, is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

(4.) The advertisement is also, in every case, to be inserted once at least in the London, Edinburgh, or Dublin Gazette, according as the district is situate in England, Scotland, or Ireland.

PART II.

Deposit on or before 30th November.

(1.) The undertakers are to deposit—

1. A copy of the advertisement published by them.
2. If the application relates to gas, a map showing the land proposed to be used for the manufacture of gas, or of residual products arising in the manufacture of gas.
3. A proper plan and section of the proposed new

works, if any, such plan and section to be prepared according to such regulations as may from time to time be made by the Board of Trade in that behalf.

(2.) The documents aforesaid are to be deposited for public inspection—

In England or Ireland, in the office of the clerk of the peace for every county, riding, or division; in Scotland, in the office of the principal sheriff clerk for every county, district, or division which will be affected by the proposed undertaking, or in which any proposed new work will be made.

(3.) The documents aforesaid are also to be deposited at the office of the Board of Trade.

PART III.

Deposit on or before 23rd December.

(1.) The undertakers are to deposit at the office of the Board of Trade—

1. A memorial signed by the undertakers, headed with a short title descriptive of the undertaking (corresponding with that at the head of the advertisement), addressed to the Board of Trade, and praying for a provisional order.
2. A printed draft of the provisional order as proposed by the undertakers, with any schedule referred to therein.
3. An estimate of the expense of the proposed new works, if any, signed by the persons making the same.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement; such copies to be there furnished to all persons applying for them at the price of not more than one shilling each.

(3.) The memorial of the undertakers (to be written on foolscap paper, bookwise, with quarter margin) is to be in the following form, with such variations as circumstances require:—

[Short title of undertaking.]

To the Board of Trade,

The memorial of the undertakers of [short title of undertaking]

Showeth as follows:

1. Your memorialists have published, in accordance with the requirements of the Gas and Water Works Facilities Act, 1870, the following advertisement:

[Here advertisement to be set out verbatim.]

2. Your memorialists have also deposited, in accordance with the requirements of the said Act, copies of the said advertisement and [Here state deposit of the several matters required by Act].

Your memorialists, therefore, pray that a provisional order may be made in the terms of the draft proposed by your memorialists, or in such other terms as may seem meet.

A.B.,
C.D.,
Undertakers.

CAP. LXXI.

An Act for consolidating with amendments, certain enactments relating to the national debt.

[9th August, 1870.]

1. *Short title.*
2. *Division of Act into parts.*
3. *Interpretation of terms.*
4. *Effect of schedules.*
5. *Continuance of existing permanent funded debt on existing terms.*
6. *Stock charged on consolidated fund.*
7. *Stock free from taxes.*
8. *Interests in stock indefeasible.*
9. *Stock personal estate.*
10. *Stock free from attachment.*
11. *Annuities to be several joint stocks.*
12. *Money for payment to be issuable.*
13. *Banks to have chief cashier and accountant general.*
14. *Issue by Treasury.*
15. *Application of issues by cashier.*
16. *Accounting by cashier, &c.*
17. *Receipt of dividends by executors, &c.*
18. *Evidence of title to dividend.*
19. *Dividends in case of infancy, &c., of a joint stockholder.*
20. *Dividend warrants by post.*
21. *Effect of posting a warrant.*
22. *Mode of transfer.*
23. *Transfer by executors, &c.*
24. *Evidence of title on transfer.*
25. *Closing of transfer books for dividends.*
26. *Certificate of title to stock.*
27. *Descriptions of stock for which certificates may be issued.*
28. *Limitation of amount of certificate.*
29. *Restriction on trustees taking stock certificates.*
30. *No notice of trust.*
31. *Stock in certificate outstanding not transferable.*
32. *Distinction between stock certificates to bearer and nominal certificates.*
33. *Nominee in a nominal certificate not entitled to have it renewed as nominal.*
34. *Rules as to coupons.*
35. *Payment of coupons.*
36. *Income tax.*
37. *Fees in respect of dealing with stock under this part.*
38. *Loss or destruction of certificate or coupon.*
39. *General regulations with respect to stock certificates and coupons.*
40. *Remuneration to banks.*
41. *Stock in certificate to have incidents of other stock except as to transfer, &c.*

PART IV.

Deposit and advertisement of provisional order when made.

(1.) The undertakers are to deposit printed copies of the provisional order, when settled and made, for public inspection in the offices of clerks of the peace and sheriff clerks, where the documents required to be deposited by them under part II. of this schedule were deposited.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement, such copies to be there furnished to all persons applying for them at the price of — each.

(3.) They are also to publish the provisional order as an advertisement once in the local newspaper in which the original advertisement of the intended application was published.

42. *Application of this part to stock certificates already issued, &c.*

43. *Application for transfer between England and Ireland.*

44. *Restriction on transfer before closing of books.*

45. *Notices of transfers to and by National Debt Commissioners.*

46. *Stock transferred to National Debt Commissioners to be cancelled.*

47. *Transfer books to be kept by banks.*

48. *Bank to whom transfer made to write stock into their books.*

49. *Loss or destruction of certificate.*

50. *Application of this part to terminable annuities.*

51. *Transfer of unclaimed stock to National Debt Commissioners.*

52. *List of names from which stock transferred.*

53. *Mode of transfer.*

54. *Subsequent dividends on stock transferred to be invested, &c.*

55. *Re-transfer and payment to person showing title.*

56. *Three months' notice before re-transfer or payment.*

57. *Advertisements before re-transfer or payment.*

58. *Application to court to rescind order.*

59. *Bank not responsible to second claimant.*

60. *Order in favour of second claimant showing title.*

61. *Payment of unclaimed dividends to National Debt Commissioners.*

62. *Unclaimed stock in stock certificates and unclaimed coupons.*

63. *Investigation of circumstances of unclaimed dividends.*

64. *Allowance of expenses to bank.*

65. *Payment of compensation allowed.*

66. *Indemnity to banks.*

67. *Application of this part to stock already transferred, &c.*

68. *Application of this part to terminable annuities.*

69. *Yearly payment to National Debt Commissioners in respect of £2 10s. per cents.*

70. *No fee for paying dividends, &c. Penalty.*

71. *Stamp duty.*

72. *Continuance of Bank of England.*

73. *Extension of provisions as to executors, &c., to all stocks, &c.*

74. *Protection to banks.*

SCHEDULES.

THE FIRST SCHEDULE.
Stocks; Dividend Days; Redemption.

THE SECOND SCHEDULE.
Enactments referred to.

THE THIRD SCHEDULE.
Fees as to Stock Certificates.

CAP. LXXII.

An Act for granting certificates to pedlars.
[9th August, 1870.]

1. *Short title.*
2. *Commencement of Act.*
3. *Interpretation of certain terms in the Act.*
4. *No one to act as a pedlar without certificate.*
5. *Grant of certificate.*
6. *Effect of certificate.*
7. *Certificate to be extended by indorsement to other districts than that for which it was granted.*
8. *Register of certificates to be kept in each district.*
9. *Forms of application to be kept at chief police office.*
10. *Certificate not to be assigned.*
11. *Certificate not to be borrowed.*
12. *Penalty for forging certificate.*
13. *Certificate not to be granted to certain persons.*
14. *Convictions to be indorsed on certificate.*
15. *Appeal against refusal of certificate by chief officer of police.*
16. *Court empowered to deprive pedlar of certificate.*
17. *Pedlar to show certificate to certain persons on demand.*
18. *Police empowered to inspect pedlar's pack.*
19. *Licences granted before Act to remain in force.*
20. *Summary proceedings for offences.*
21. *Application of fees.*
22. *Certificate not required by commercial travellers, sellers of fish, or sellers in fairs.*
23. *Reservation of powers of local authority.*

CAP. LXXIII.

An Act to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further provisions concerning Turnpike roads.
[9th August, 1870.]

CAP. LXXIV.

An Act to confirm the award under "The Curragh of Kildare Act, 1868," and for other purposes relating thereto.
[9th August, 1870.]

CAP. LXXV.

An Act to provide for public elementary education in England and Wales.
[9th August, 1870.]

Be it enacted, &c.

Preliminary.

1. *Short title.]* This Act may be cited as "The Elementary Education Act, 1870."

2. *Extent of Act.]* This Act shall not extend to Scotland or Ireland.

3. *Definition of terms.]* In this Act—

The term "metropolis" means the places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855: The term "borough" means any place for the time being subject to the Act of the session of the 5th and 6th years of the reign of King William the Fourth, chapter 76, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same:

The term "parish" means a place for which, for the time being, a separate poor rate is or can be made:

The term "person" includes a body corporate:

The term "Education Department" means "the Lords of the Committee of the Privy Council on Education."

The term "her Majesty's inspectors" means the inspectors of schools appointed by her Majesty on the recommendation of the Education Department:

The term "managers" includes all persons who have the management of any elementary school, whether the

legal interest in the schoolhouse is or is not vested in them:

The term "teacher" includes assistant teacher, pupil teacher, sewing mistress, and every person who forms part of the educational staff of a school:

The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of any child:

The term "elementary school" means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week:

The term "schoolhouse" includes the teacher's dwelling-house, and the playground (if any) and the offices and all premises belonging to or required for a school:

The term "vestry" means the ratepayers of a parish meeting in vestry according to law:

The term "ratepayer" includes every person who, under the provisions of the Poor Rate Assessment and Collection Act, 1869, is deemed to be duly rated:

The term "parliamentary grant" means a grant made in aid of an elementary school, either annually or otherwise, out of moneys provided by Parliament for the civil service, intituled "For public education in Great Britain."

(I.) LOCAL PROVISION FOR SCHOOLS.

4. *School districts, &c., in schedule.]* For the purposes of this Act the respective districts, boards, rates and funds, and authorities described in the first schedule to this Act shall be the school district, the school board, the local rate, and the rating authority.

Supply of schools.

5. *School district to have sufficient public schools.*—There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as herein-after defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as "public school accommodation," the deficiency shall be supplied in manner provided by this Act.

6. *Supply of schools in case of deficiency.*—Where the Education Department, in the manner provided by this Act, are satisfied and have given public notice that there is an insufficient amount of public school accommodation for any school district, and the deficiency is not supplied as herein-after required, a school board shall be formed for such district and shall supply such deficiency, and in case of default by the school board the Education Department shall cause the duty of such board to be performed in manner provided by this Act.

7. *Regulations for conduct of public elementary school.*—Every elementary school which is conducted in accordance with the following regulations shall be public elementary school within the meaning of this Act; and every public elementary school shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school), namely:—

(1.) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday-school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs:

(2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be, either at the beginning or at the end, or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom, and any scholar may be withdrawn by his

parent from such observance or instruction without forfeiting any of the other benefits of the school:

- (3.) The school shall be open at all times to the inspection of any of her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book:
- (4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant.

Proceedings for supply of schools.

8. *Determination by Education Department of deficiency of public school accommodation.*—For the purpose of determining with respect to every school district the amount of public school accommodation, if any, required for such district, the Education Department shall, immediately after the passing of this Act, cause such returns to be made as in this Act mentioned, and on receiving those returns, and after such inquiry, if any, as they think necessary, shall consider whether any and what public school accommodation is required for such district, and in so doing they shall take into consideration every school, whether public elementary or not, and whether actually situated in the school district or not, which in their opinion gives, or will when completed give, efficient elementary education to, and is, or will when completed be, suitable for the children of such district.

9. *Notice by Education Department of public school accommodation required.*—The Education Department shall publish a notice of their decision as to the public school accommodation for any school district, setting forth with respect to such district the description thereof, the number, size, and description of the schools (if any) available for such district which the Education Department have taken into consideration as above mentioned, and the amount and description of the public school accommodation, if any, which appears to them to be required for the district, and any other particulars which the Education Department think expedient.

If any persons being either—

- (1.) Ratepayers of the district, not less than ten, or, if less than ten, being rated to the poor rate upon a rateable value of not less than one-third of the whole rateable value of the district, or,
- (2.) The managers of any elementary school in the district,

feel aggrieved by such decision, such persons may, within one month after the publication of the notice, apply in writing to the Education Department for, and the Education Department shall direct, the holding of a public inquiry in manner provided by this Act.

At any time after the expiration of such month, if no public inquiry is directed, or after the receipt of the report made after such inquiry, as the case may be, the Education Department may, if they think that the amount of public school accommodation for the district is insufficient, publish a final notice stating the same particulars as were contained in the former notice, with such modifications (if any) as they think fit to make, and directing that the public school accommodation therein mentioned as required be supplied.

10. *Formation of school board and requisition to provide schools.*] If after the expiration of a time, not exceeding six months, to be limited by the final notice, the Education Department are satisfied that all the public school accommodation required by final notice to be supplied has not been so supplied, nor is in course of being supplied with due despatch, the Education Department shall cause a school board to be formed for the district as provided in this Act, and shall send a requisition to the school board so formed requiring them to take proceedings forthwith for supplying the public school accommodation mentioned in the requisition, and the school board shall supply the same accordingly.

11. *Proceedings on default of school board.*] If the school board fail to comply with the requisition within twelve months after the sending of such requisition in manner aforesaid, they shall be deemed to be in default, and if the Education Department are satisfied that such board are in

default they may proceed in manner directed by this Act with respect to school board in default.

12. *Formation of school boards without inquiry upon application.*] In the following cases, that is to say:—

- (1.) Where application is made to the Education Department with respect to any school district by the persons who, if there were a school board in that district, would elect the school board, or with respect to any borough, by the council;
- (2.) Where the Education Department are satisfied that the managers of any elementary school in any school district are unable or unwilling any longer to maintain such school, and that if the school is discontinued the amount of public school accommodation for such district will be insufficient;

the Education Department may, if they think fit, without making the inquiry or publishing the notices required by this Act before the formation of a school board, but after such inquiry, public or other, and such notice as the Education Department think sufficient, cause a school board to be formed for such district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice.

An application for the purposes of this section may be made by a resolution passed by the said electing body after notice published at least a week previously, or by the Council, and the provisions of the second part of the second schedule to this Act with respect to the passing of such resolution shall be observed.

13. *Proceedings by Education Department after the first year.*] After the receipt of any returns under this Act subsequently to the first, with respect to any school district, and after such inquiry as the Education Department think necessary, the Education Department shall consider whether any and what public school accommodation is required in such district in the same manner as in the case of the first returns under this Act, and where in such district there is no school board acting under this Act they may issue notices and take proceedings in the same manner as they may after the receipt of the first returns under this Act, and where there is a school board in such district they shall proceed in manner directed by this Act.

Management and maintenance of schools by school board.

14. *Management of school by school board.*] Every school provided by a school board shall be conducted under the control and management of such board in accordance with the following regulations:—

- (1.) The school shall be a public elementary school within the meaning of this Act:
- (2.) No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.

15. *Appointment of managers by school board.*] The school board may, if they think fit, from time to time delegate any of their powers under this Act except the power of raising money, and in particular may delegate the control and management of any school provided by them, with or without any conditions or restrictions, to a body of managers appointed by them, consisting of not less than three persons.

The school board may from time to time remove all or any of such managers and within the limits allowed by this section add to or diminish the number of or otherwise alter the constitution or powers of any body of managers formed by it under this section.

Any manager appointed under this section may resign on given written notice to the board. The rules contained in the third schedule to this Act respecting the proceedings of bodies of managers appointed by a school board shall be observed.

16. *Neglect by board of regulations of public elementary schools.*] If the school board do or permit any act in contravention of, or fail to comply with the regulations according to which a school provided by them is required by this Act to be conducted, the Education Department may declare the school board to be and such board shall accordingly be deemed to be a board in default, and the Education Department may proceed accordingly, and every act or omission of any member of the school board, or manager appointed by them, or any person under the control of the board, shall

be deemed to be permitted by the board, unless the contrary be proved.

If any dispute arises as to whether the school board have done or permitted any act in contravention of, or have failed to comply with the said regulations, the matter shall be referred to the Education Department, whose decision thereon shall be final.

17. *Fees of children.*] Every child attending a school provided by any school board shall pay such weekly fee as may be prescribed by the school board, with the consent of the Education Department, but the school board may from time to time, for a renewable period not exceeding six months, remit the whole or any part of such fee in the case of any child, when they are of opinion that the parent of such child is unable from poverty to pay the same, but such remission shall not be deemed to be parochial relief given to such parent.

18. *Maintenance by school board of schools and sufficient school accommodation.*] The school board shall maintain and keep efficient every school provided by such board, and shall from time to time provide such additional school accommodation as is, in their opinion, necessary in order to supply a sufficient amount of public school accommodation for their district.

A school board may discontinue any school provided by them, or change the site of any such school, if they satisfy the Education Department that the school to be discontinued is unnecessary, or that such change of site is expedient.

If at any time the Education Department are satisfied that a school board have failed to perform their duty, either by not maintaining or keeping efficient every school provided by them, or by not providing such additional school accommodation as in the opinion of the Education Department is necessary in order to supply a sufficient amount of public school accommodation in their district, the Education Department may send them a requisition requiring them to fulfil the duty which they have so failed to perform; and if the school board fail within the time limited by such requisition, not being less than three months, to comply therewith to the satisfaction of the Education Department such board shall be deemed to be a school board in default, and the Education Department may proceed accordingly.

19. *Powers of school board for providing schools.*] Every school board for the purpose of providing sufficient public school accommodation for their district, whether in obedience to any requisition or not, may provide, by building or otherwise, schoolhouses properly fitted up, and improve, enlarge, and fit up any schoolhouse provided by them, and supply school apparatus and everything necessary for the efficiency of the schools provided by them, and purchase and take on lease any land, and any right over land, or may exercise any of such powers.

20. *Compulsory purchase of sites.*] With respect to the purchase of land by school boards for the purposes of this Act, the following provisions shall have effect, that is to say:—

(1.) *Regulations as to the purchase of land compulsorily.*—

The Lands Clauses Consolidation Act, 1845, and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the school board, and land shall be construed to include any right over land:

(2.) The school board, before putting in force any of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

(a.) *Publication of notices.*] Publish during three consecutive weeks in the months of October and November, or either of them, a notice describing shortly the object for which the land is proposed to be taken, naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further,

(b.) *Service of notices.*] After such publication, serve a notice in manner mentioned in this section on every owner or reputed owner, lessee or reputed lessee, and occupier of

such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

(c.) Such notice shall be served—

- (a.) By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or
- (b.) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter, addressed to the usual or last known place of abode of such person:

(3.) *Petition to Education Department.*] Upon compliance with the provisions contained in this section with respect to notices the school board may, if they think fit, present a petition under their seal to the Education Department, praying that an order may be made authorising the school board to put in force the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall be supported by such evidence as the Education Department may from time to time require:

(4.) If, on consideration of the petition and proof of the publication and service of the proper notices, the Education Department think fit to proceed with the case, they may, if they think fit, appoint some person to inquire in the district in which the land is situate respecting the propriety of the proposed order, and also direct such person to hold a public inquiry:

(5.) After such consideration and proof, and after receiving a report made upon any such inquiry, the Education Department may make the order prayed for, authorising the school board to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit, and it shall be the duty of the school board to serve a copy of any order so made in the manner and upon the persons in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served:

(6.) *No order valid until confirmed by Parliament.*] No order so made shall be of any validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the Education Department, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament:

(7.) The Education Department, in case of their refusing or modifying such order, may make such order as they think fit for the allowance of the costs, charges, and expenses of any person whose land is proposed to be taken of and incident to such application and inquiry respectively:

(8.) *Costs how to be defrayed.*] All costs, charges, and expenses incurred by the Education Department in relation to any order under this section shall, to such amount as the Commissioners of her Majesty's Treasury think proper to direct, and all costs, charges, and expenses of any person which shall be so allowed by the Education Department as aforesaid shall, become a charge upon the school fund of the district to which such order relates, and be repaid to the said Commissioners of her Majesty's Treasury or to such person respectively, by annual instalments not exceeding five, together with interest after the yearly rate of 5% in the hundred, to be computed from the date of any such direction of the said commissioners, or allowance of such costs, charges, and expenses re-

spectively upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

The School Sites Act as defined in the fourth schedule to this Act shall apply in the same manner as if the school board were trustees or managers of a school within the meaning of those Acts, and land may be acquired under any of the Acts mentioned in this section, or partly under one and partly under another Act.

21. *Purchase of land by managers of public elementary school.*] For the purpose of the purchase by the managers of any public elementary school of a schoolhouse for such school, or a site for the same, "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same (except so much as relates to the purchase of land otherwise than by agreement), shall be incorporated with this Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean such managers, and land shall be construed to include any right over land.

The conveyance of any land so purchased may be in the form prescribed by the School Sites Acts, or any of them, with this modification, that the conveyance shall express that the land shall be held upon trust for the purpose of a public elementary school within the meaning of this Act, or some one of such purposes which may be specified, and for no other purpose whatever.

Land may be acquired under the Acts incorporated with this section, or under the School Sites Acts, or any of them, or partly under one and partly under another Act.

Any person desirous of establishing a public elementary school shall be deemed to be managers for the purpose of this section if they obtain the approval of the Education Department to the establishment of such school.

22. *Sale or lease of schoolhouse.*] The provisions of the Charitable Trusts Acts, 1853 to 1869, which relate to the sale, leasing, and exchange of lands belonging to any charity, shall extend to the sale, leasing, and exchange of the whole or any part of any land or schoolhouse belonging to a school board which may not be required by such board, with this modification, that the Education Department shall for the purposes of this section be deemed to be substituted in those Acts for the Charity Commissioners.

23. *Managers may transfer school to school board.*] The managers of any elementary school in the district of a school board may, in manner provided by this Act, make an arrangement with the school board for transferring their school to such school board, and the school board may assent to such arrangement.

An arrangement under this section may be made by the managers by a resolution or other act as follows, that is to say:—

- (1.) Where there is any instrument declaring the trusts of the school, and such instrument provides any manner in which or any assent with which a resolution or act binding the managers is to be passed or done, then in accordance with the provisions of such instrument:
- (2.) Where there is no such instrument, or such instrument contains no such provisions, then in the manner and with the assent, if any, in and with which it may be shown to the Education Department to have been usual for a resolution or act binding such managers to be passed or done:
- (3.) If no manner or assent can be shown to have been usual, then, by a resolution passed by a majority of not less than two-thirds of those members of their body who are present at a meeting of the body summoned for the purpose, and vote on the question, and with the assent of any other person whose assent under the circumstances appears to the Education Department to be requisite.

And in every case such arrangement shall be made only—

- (1.) With the consent of the Education Department; and,
- (2.) If there are annual subscribers to such school, with the consent of a majority, not being less than two-thirds in number, of those of the annual subscribers who are present at a meeting duly summoned for the purpose, and vote on the question.

Provided that where there is any instrument declaring the trusts of the school, and such instrument contains any provision for the alienation of the school by any persons or in

any manner or subject to any consent, any arrangement under this section shall be made by the persons in the manner and with the consent so provided.

Where it appears to the Education Department that there is any trustee of the school who is not a manager, they shall cause the managers to serve on such trustee, if his name and address are known, such notice as the Education Department think sufficient; and the Education Department shall consider and have due regard to any objections and representations he may make respecting the proposed transfer.

The Education Department shall consider and have due regard to any objections and representations respecting the proposed transfer which may be made by any person who has contributed to the establishment of such school.

After the expiration of six months from the date of transfer the consent of the Education Department shall be conclusive evidence that the arrangement has been made in conformity with this section.

An arrangement under this section may provide for the absolute conveyance to the school board of all the interest in the schoolhouse possessed by the managers or by any person who is trustee for them or for the school, or for the lease of the same, with or without any restrictions, and either at a nominal rent or otherwise, to the school board, or for the use by the school board of the schoolhouse during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed on. The arrangement may also provide for the transfer or application of any endowment belonging to the school, or for the school board undertaking to discharge any debt charged on the school not exceeding the value of the interest in the schoolhouse or endowment transferred to them.

When an arrangement is made under this section, the managers may, whether the legal interest in the schoolhouse or endowment is vested in them or in some person as trustee for them or the school, convey to the school board all such interest in the schoolhouse and endowment as is vested in them or in such trustee, or such smaller interests as may be required under the arrangement.

Nothing in this section shall authorise the managers to transfer any property which is not vested in them, or a trustee for them, or held in trust for the school; and where any person has any right given him by the trusts of the school to use the school for any particular purpose independently of such managers, nothing in this section shall authorise any interference with such right except with the consent of such person.

Every school so transferred shall, to such extent and during such times as the school board have, under such arrangement, any control over the school, be deemed to be a school provided by the school board.

24. *Re-transfer of school by school board to managers.*] Where any school or any interest therein has been transferred by the managers thereof to the school board of any school district in pursuance of this Act, the school board of such district may, by a resolution passed as hereinbefore mentioned, and with the consent of the Education Department, re-transfer such school or such interest therein to a body of managers qualified to hold the same under the trusts of the school as they existed before such transfer to the school board, and upon such re-transfer may convey all the interest in the schoolhouse, and in any endowment belonging to the school vested in the school board.

A resolution for the purpose of this section may be passed by a majority of not less than two-thirds of those members of the school board who are present at a meeting duly convened for the purpose, and vote on the question.

The Education Department shall not give their consent to any such re-transfer unless they are satisfied that any money expended upon such school out of a loan raised by the school board of such district has been or will, on the completion of the re-transfer, be repaid to the school board.

Every school so re-transferred shall cease to be a school provided by a school board, and shall be held upon the same trusts on which it was held before it was transferred to the school board.

Miscellaneous powers of school board.

25. *Payment of school fees.*] The school board may, if they think fit, from time to time, for a renewable period not exceeding six months, pay the whole or any part of the school fees payable at any public elementary school by any child resident in their district whose parent is in their

opinion unable from poverty to pay the same; but no such payment shall be made or refused on condition of the child attending any public elementary school other than such as may be selected by the parent; and such payment shall not be deemed to be parochial relief given to such parent.

26. *Establishment of free school in special cases.*] If a school board satisfy the Education Department that, on the ground of the poverty of the inhabitants of any place in their district, it is expedient for the interests of education to provide a school at which no fees shall be required from the scholars, the board may, subject to such rules and conditions as the Education Department may prescribe, provide such school, and may admit scholars to such school without requiring any fee.

27. *Contribution to industrial schools.* 29 & 30 Vict. c. 118.] A school board shall have the same powers of contributing money in the case of an individual school as is given to a parish authority by section 12 of the Industrial Schools Act, 1866, and upon the election of a school board in a borough the council of that borough shall cease to have power to contribute under that section.

28. *Establishment of industrial school.*] A school board may, with the consent of the Education Department, establish, build, and maintain a certified industrial school within the meaning of the Industrial Schools Act, 1866, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district: provided that the school board, so far as regards any such industrial school, shall be subject to the jurisdiction of one of her Majesty's Principal Secretaries of State in the same manner as the managers of any other industrial school are subject, and such school shall be subject to the provisions of the said Act, and not of this Act.

Constitution of school boards.

29. *School board.*] The school board shall be elected in manner provided by this Act,—in a borough by the persons whose names are on the burgess roll of such borough for the time being in force, and in a parish not situate in the metropolis by the ratepayers.

At every such election every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit.

The school board in the metropolis should be elected in manner hereinafter provided by this Act.

30. *Constitution of school board.*] With respect to the constitution of a school board the following provisions shall have effect:—

- (1) The school board shall be a body corporate, by the name of the school board of the district to which they belong, having a perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act, without any licence in mortmain:
- (2) No act or proceeding of the school board shall be questioned on account of any vacancy or vacancies in their body:
- (3) No disqualification of or defect in the election of any persons or person acting as members or member of the school board shall be deemed to vitiate any proceedings of such board in which they or he have taken part, in cases where the majority of members parties to such proceedings were duly entitled to act:
- (4) Any minute made of proceedings at meetings of the school board, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place or at the next ensuing meeting of the board, shall be receivable in evidence in all legal proceedings without further proof, and until the contrary is proved every meeting of the school board, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act:
- (5) The members of a school board may apply any money in their hands for the purpose of indemnifying themselves against any law costs or damages which

they may incur in or in consequence of the execution of the powers granted to them:

(6) The rules contained in the 3rd schedule to this Act, with respect to the proceedings of school boards and the other matters therein contained, shall be observed.

31. *Electio[n] of school board.*] With respect to the election under this Act of a school board, except in the metropolis, the following provisions shall have effect:—

- (1) The number of members of a school board shall be such number, not less than five nor more than fifteen, as may be determined in the first instance by the Education Department, and afterwards from time to time by a resolution of the school board approved by the Education Department:
- (2) The regulations contained in the 2nd schedule to this Act with respect to the election and retirement of the members of the school board, and the other matters therein contained, shall be of the same force as if they were enacted as part of this section:
- (3) The Education Department may, at any time after the date at which they are authorised under this Act to cause a school board to be formed, send a requisition to the mayor or other officer or officers who have power to take proceedings for holding the election, requiring him or them to take such proceedings, and the mayor or other officer or officers shall comply with such requisition; and in case of default some person appointed by the Education Department may take such proceedings and shall have for that purpose the same powers as the person in default.

32. *Non-election, &c., of school board.*] If from any cause in any school district the school board either are not elected at the time fixed for the first election, or at any time cease to be in existence, or to be of sufficient number to form a quorum by reason of non-election, resignation, or otherwise, or neglect or refuse to act, the Education Department may proceed in the same manner as if there were a school board acting in such district, and that board were a board in default.

33. *Determination of disputes as to the election of school boards.*] In case any question arises as to the right of any person to act as a member of a school board under this Act, the Education Department may, if they think fit, inquire into the circumstances of the case, and make such order as they deem just for determining the question, and such order shall be final unless removed by writ of certiorari during the term next after the making of such order.

34. *Disqualification of member of board.*] No member of a school board, and no manager appointed by them, shall hold or accept any place of profit the appointment to which is vested in the school board or in any managers appointed by them, nor shall in any way share or be concerned in the profits of any bargain or contract with or any work done under the authority of such school board or managers appointed by them: provided that this section shall not apply to—

- (1) Any sale of land or loan of money to a school board; or,
- (2) Any bargain or contract made with or work done by a company in which such member holds shares; or
- (3) The insertion of any advertisement relating to the affairs of any such school board in any newspaper in which such member has a share or interest; if he does not vote with respect to such sale, loan, bargain, contract, work, or insertion.

Any person who acts in contravention of this section shall be liable, on summary conviction, to a penalty not exceeding £50, and the said place of profit and his office as member or manager shall be vacant.

35. *Appointment of officers.*] A school board may appoint a clerk and a treasurer and other necessary officers, including the teachers required for any school provided by such board, to hold office during the pleasure of the board, and may assign them such salaries or remuneration (if any) as they think fit, and may from time to time remove any of such officers; but no such appointment shall be made, except at the first meeting of such board, unless notice in writing has been sent to every member of the board.

Two or more school boards may arrange for the appointment of the same person to be an officer to both or all such boards.

Such officers shall perform such duties as may be assigned to them by the board or boards who appoint them.

36. *Officer to enforce attendance at school.*] Every school board may, if they think fit, appoint an officer or officers to enforce any bye-laws under this Act with reference to the attendance of children at school, and to bring children who are liable under the Industrial Schools Act, 1866, to be sent to a certified industrial school before two justices in order to their being so sent, and any expenses incurred under this section may be paid out of the school fund.

School board in metropolis.

37. *School board in metropolis.*] The provisions of this Act with respect to the formation and the election of school boards in boroughs and parishes shall not extend to the metropolis; and with respect to a school board in the metropolis the following provisions shall have effect:—

- (1.) The school board shall consist of such number of members elected by the divisions specified in the 5th schedule to this Act as the Education Department may by order fix:
- (2.) The Education Department, as soon as may be after the passing of this Act, shall by order determine the boundaries of the said divisions for the purposes of this Act, and the number of members to be elected by each such division:
- (3.) The provisions of this Act with respect to the constitution of the school board shall extend to the constitution of the school board under this section, and the name of the school board shall be the School Board for London:
- (4.) The first election of the school board shall take place on such day, as soon as may be after the passing of this Act, as the Education Department may appoint, and subsequent elections shall take place in the month of November every third year on the day from time to time appointed by the school board:
- (5.) At every election for each division every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected for such division, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit:
- (6.) Subject to the provisions contained in this section and in any order made by the Education Department under the power contained in the 2nd schedule to this Act, the members of the board shall, in the city of London, be elected by the same persons and in like manner as common councilmen are elected; and in the other divisions of the metropolis shall be elected by the same persons and in the same manner as vestrymen under The Metropolis Management Act, 1855, and the Acts amending the same; and, subject as aforesaid, the Acts relating to the election of common councilmen, and sections 14 to 19, and 21 to 27, all inclusive, of The Metropolis Management Act, 1855, and section 36 of The Metropolis Management Amendment Act, 1862, shall, so far as is consistent with the tenor thereof, apply in the case of the election of members of the school board:
- (7.) The school board shall proceed at once to supply their district with sufficient public school accommodation, and any requisition sent by the Education Department to such board may relate to any of the divisions mentioned in the 5th schedule to this Act in like manner as if it were a school district, and it shall not be necessary for the Education Department to publish any notices before sending such requisition:
- (8.) The Education Department may, in the order fixing the boundaries of such divisions, name some person who shall be the returning officer for the purposes of the first election of the school board, and the person who is to be the deputy returning officer in each such division:
- (9.) The chairman of the school board shall be elected by the school board, and any chairman who may be elected by the board may be elected either from the members of the board or not, and any chairman who is not an elected member of the board shall, by virtue of his office, be a member of the board as if he had been so elected:

(10.) The school board shall apportion the amount required to be raised to meet the deficiency in the school fund among the different parts of the metropolis mentioned in the third column of the 1st schedule to this Act in proportion to the rateable value of such parts as shown by the valuation lists for the time being in force under the Valuation (Metropolis) Act, 1869, or, if any amount is so required before any such valuation list comes into force, in the same proportion and according to the same basis in and according to which the then last rate made by the Metropolitan Board of Works was assessed:

- (11.) For obtaining payment of the amount specified in any precept sent by the school board to the rating authority for any part of the metropolis, the school board, in addition to any other powers and remedies, shall have the like powers as the Metropolitan Board of Works have for obtaining payment of any sum assessed by them on the same part of the metropolis.

38. *Payment of chairman.*] The school board for London may pay to the chairman of such board such salary as they may from time to time, with the sanction of the Education Department, fix.

39. *Alteration of number of members.*] If at any time application is made to the Education Department by the school board for London, or by any six members of that board, and it is shown to the satisfaction of the Education Department that the population of any of the divisions mentioned in the fifth schedule to this Act, as shown by any census taken under the authority of Parliament, has varied materially from that shown by the previous census, or that the rateable value of any of the same divisions has materially varied from the rateable value of the same division ten years previously, the Education Department, after such inquiry as they think necessary, may, if they think fit, make an order altering, by way of increase or decrease, the number of members of that and any other division.

United school districts.

40. *Formation by Education Department of united districts.*] Where the Education Department are of opinion that it would be expedient to form a school district larger than a borough or a parish or any school district formed under this Act, they may, except in the metropolis, by order made after such inquiry and notice as hereinafter mentioned, form a united school district by uniting any two or more adjoining school districts, and upon such union cause a school board to be formed for such united school district.

A united school district shall for all the purposes of this Act be deemed to be a school district, and shall throughout this Act be deemed to be substituted for the school districts out of which it is substituted, and the school board of the united school district shall be the school board appointed under this Act, and the local rate and rating authority for the united district shall be in each of the constituent districts thereof the same as if such constituent district did not form part of the united school district.

41. *Conditions of formation of district.*] The Education Department, as soon as may be after the passing of this Act, may cause inquiry to be made into the expediency of uniting any two or more school districts, and if after such inquiry they are of opinion that it would be expedient to unite any such school districts, they shall in the notice of their decision as to the public school accommodation for such districts state that they propose to unite such districts and the provisions of this Act with respect to the application for a public inquiry by persons aggrieved by the said notice, and to the holding of such public inquiry, and to the final notice, shall apply in the case of the proposed union of districts, with this qualification, that it shall not be necessary to cause a public inquiry to be held with respect to the union of districts until after the expiration of the period allowed by the final notice for the supply of the school accommodation. The order for the union may be made at the time when the Education Department are first authorised to cause a school board to be formed or subsequently. Where a union of districts is proposed the Education Department shall consider whether any public school accommodation is required for the area proposed as the united district instead of for each of the districts constituting such area, and their decision as to the public school accommodation and the notice

of such decision shall accordingly refer to such area, and not separately to each of the constituent districts.

42. *As to dissolution of united school district.*] The Education Department may, by order made after such inquiry and notice as hereinafter mentioned, dissolve a united school district, and may deal with the constituent districts thereof in the same manner as if they had never been united, and may cause school boards to be elected therein.

43. *Public inquiry as to united district in future.*] The Education Department may at any time, after any proceedings after the first returns under this Act, if they think fit, cause inquiry to be made into the expediency of forming or dissolving a united school district, and where they propose at any time after such inquiry to form or dissolve a united school district, they shall publish notice of the proposed order not less than three months before the order is made; the like persons as are authorised to apply for a public inquiry after the first returns made under this Act, may, if they feel aggrieved by the proposed order, apply in like manner for a public inquiry, and the Education Department shall cause a public inquiry to be held, and shall consider the report made to them upon such inquiry before they make the order for such formation or dissolution.

44. *Order to be evidence of formation or dissolution.*] Any order of the Education Department forming or dissolving a united district shall be evidence of the formation or dissolution of such district, and after the expiration of three months from the date of such order the district shall be presumed to have been duly formed or dissolved, as the case may be, and no objection to the formation or dissolution thereof shall be entertained in any legal proceedings whatever.

45. *Constitution of school board in united school district.*] The provisions in this Act respecting the constitution of the school board shall apply to the constitution of the school board in a united school district, and the name of the district shall be such as may be prescribed by the Education Department.

46. *Election of school board in united school district.*] In a united school district the school board shall be such number of members elected by the electors of the district as may be specified in the order forming the district, subject nevertheless to alteration in the same manner as in the case of any other school board; and every person who in any of the districts constituting such united district would be entitled if it were not united to vote at the election of members of a school board for such constituent district shall be an elector for the purposes of this section, and the provisions of this Act respecting the election of a school board in a district shall extend to the election of such members.

47. *Arrangements on formation of united district.*] Where any part of a proposed united school district includes any district or part of a district in which there is a school board already acting under this Act, or where a united school district is dissolved, the Education Department may by order dissolve the then existing school board, or make all necessary changes in the constitution of such existing school board, and may by order make proper arrangements respecting the schools, property, rights, and liabilities of such board, and all arrangements which may be necessary.

48. *As to small parishes.*] If the Education Department are of opinion that any parish in a united school district has too few ratepayers to be entitled to act as a separate parish for the purposes of this Act, they may by order direct that it shall for the purpose of voting for a member or members of the school board, and for all or any of the purposes of this Act, be added to another parish, and thereupon the persons who would be entitled to vote and attend the vestry if it were a parish shall be entitled for the purpose of voting and for such purposes to vote in and attend the vestry of the parish to which their parish is so added. All the parishes comprised in a united district, or any two or more of them, may be added together in pursuance of this section.

Contributory districts.

49. *Contributory district.*] The Education Department may by order direct that one school district shall contribute towards the provision or maintenance of public elementary schools in another school district or districts, and in such case the former (or contributing district) shall pay to the latter (or school owning district or districts) such propor-

tion of the expenses of such provision or maintenance, or a sum calculated in such manner, as the Education Department may from time to time prescribe.

50. *Election of members by contributory district.*] Where one school district contributes to the provision or maintenance of any school in another school district, such number of persons as the Education Department (having regard to the amount to be contributed by the contributing district) direct shall be elected in the contributing district, and shall be members of the school board of the school owning district, but such last-mentioned district shall, except so far as regards the raising of money and the attendance of children at school, be deemed alone to be the district of such school board; such members shall be elected by the school board, if any, or, if there is none, by the persons who would elect a school board if there were one, in the same manner as a school board would be elected.

51. *Notices and public inquiry as to contributory district.*] The provisions of this Act with respect to the notices to be published, and the application for and the holding of a public inquiry in the case of an order for the formation of an united district, shall apply, mutatis mutandis, to an order respecting a contributory district.

An order respecting a contributory district shall be evidence of the formation of such district, and after the expiration of three months from the date thereof shall be presumed to have been duly made, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Any such order may be revoked or altered by an order of the Education Department, and a new order may be made in lieu thereof, and all the provisions of this Act respecting the making of an order for contribution shall apply to the making of an order for the revocation or alteration of an order for contribution.

52. *Combination of school boards.*] The school boards of any two or more school districts, with the sanction of the Education Department, may combine together for any purpose relating to elementary schools in such districts, and in particular may combine for the purpose of providing, maintaining, and keeping efficient schools common to such districts. Such agreements may provide for the appointment of a joint body of managers under the provisions of this Act with respect to the appointment of a body of managers, and for the proportion of the contributions to be paid by each school district, and any other matters which, in the opinion of the Education Department, are necessary for carrying out such agreement, and the expenses of such joint body of managers shall be paid in the proportions specified in the agreement by each of the school boards out of their school fund.

Expenses.

53. *School fund of school board.*] The expenses of the school board under this Act shall be paid out of a fund called the school fund. There shall be carried to the school fund all moneys received as fees from scholars, or out of moneys provided by Parliament, or raised by way of loan, or in any manner whatever received by the school board, and any deficiency shall be raised by the school board as provided by this Act.

54. *Deficiency of school fund raised out of rates.*] Any sum required to meet any deficiency in the school fund, whether for satisfying past or future liabilities, shall be paid by the rating authority out of the local rate.

The school board may serve their precept on the rating authority, requiring such authority to pay the amount specified therein to the treasurer of the school board out of the local rate, and such rating authority shall pay the same accordingly, and the receipt of such treasurer shall be a good discharge for the amount so paid, and the same shall be carried to the school fund.

If the rating authority have no moneys in their hands in respect of the local rate, they shall, or if they have paid the amount, then for the purpose of reimbursing themselves they may, notwithstanding any limit under any Act of Parliament or otherwise, levy the said rate, or any contributions thereto, or any increase of the said rate or contributions, and for that purpose shall have the same powers of levying a rate and requiring contributions as they have for the purpose of defraying expenses to which the local rate is ordinarily applicable.

55. *Apportionment of school fund in united and contributory district.*] In a united district the school board shall apportion

tion the amount required to meet the deficiency in the school fund among the districts constituting such united district in proportion to the rateable value of each such constituent district, and may raise the same by a precept sent to the rating authority of each constituent district.

Where one school district contributes to the expenses of the schools in another school district, the authority of the school owning district may send their precept either to the school board, if any, or to the rating authority of the contributing district, requiring them to pay to their treasurer the amount therein specified, and such authority or board shall pay the same accordingly, and the receipt of the treasurer shall be a good discharge for the same, and such amount, if paid by the school board, shall be paid out of the school fund.

The precept, if sent to the rating authority, either on the default of the school board or otherwise, shall be deemed to be a precept for meeting a deficiency in the school fund, and the provisions of this Act shall apply accordingly.

56. *Remedy of school board on default of rating authority, &c.]* In either of the following cases, that is to say:—

(1.) If the rating authority of any place make default in paying the amount specified in any precept of the school board; or

(2.) Where a school board require to raise a sum from any place which is part of a parish; then, without prejudice to any other remedy, the school board may appoint an officer or officers to act within such place; and the officer or officers so from time to time appointed shall have within the said place, for the purpose of defraying the sum due from such place, all the powers of the rating authority of levying the local rate and any contributions thereto, and also all the powers of making and levying a rate which he or they would have if the said place were a parish, and such rate were a rate for the relief of the poor, and he or they were duly appointed an overseer or overseers of such parish, and he or they shall have such access to and use of the documents of the rating authority of such place relative to the local rate, and of all the valuation lists and rate books of the parish or parishes comprised in or comprising such place, as he or they may require.

57. *Borrowing by school board.]* Where a school board incur any expense in providing or enlarging a schoolhouse, they may, with the consent of the Education Department, spread the payment over several years, not exceeding fifty, and may for that purpose borrow money on the security of the school fund and local rate, and may charge that fund and the local rate with the payment of the principal and interest due in respect of the loan. They may, if they so agree with the mortgagee, pay the amount borrowed, with the interest, by equal annual instalments, not exceeding fifty, and if they do not so agree, they shall annually set aside one fiftieth of the sum borrowed as a sinking fund.

10 & 11 Vict. c. 16.] For the purpose of such borrowing the clauses of "The Commissioners' Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act; and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the school board which is borrowing shall be deemed to be the commissioners.

The Public Works Loan Commissioners may, on the recommendation of the Education Department, lend any money required under this section on the security of the school fund and local rate without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum.

58. *Borrowing by school board for London.]* Any sum borrowed by the school board for London in pursuance of this Act, with the approval of the Education Department, may be borrowed from and may be lent by the Metropolitan Board of Works, and section 37 of the Metropolitan Board of Works Loan Act, 1869, shall apply to such loan in the same manner as if the managers therein mentioned were the school board for London, and there were added to the sum therein authorised to be borrowed the sum authorised by the Education Department to be borrowed under this section.

Accounts and audit.

59. *Accounts to be made up and examined.]* The accounts of the school board shall be made up and balanced to the 25th of March and 29th of September in every year. The ac-

counts shall be examined by the school board and signed by the chairman within fourteen days after the day to which they are made up.

As soon as practicable after the accounts are so signed they shall be audited.

60. *Audit of accounts.]* With respect to the audit of accounts of the school board, the following provisions shall have effect:—

- (1.) The auditor shall be the auditor of accounts relating to the relief of the poor for the audit district in which the school district is situate, or if it is situate in more than one audit district by the auditor of such of the said audit districts as the Poor Law Board may direct, and the term audit district in this provision shall be construed to include a parish for which an auditor is separately appointed to audit the accounts for the relief of the poor. The auditor shall receive such remuneration as the Poor Law Board direct, and such remuneration, together with the expenses of or incident to the audit, shall be paid by the school board out of the school fund, and if unpaid may be recovered in a summary manner :
- (2.) The audit shall be held at the office of the school board, or some other place sanctioned by the Poor Law Board within the school district, or within the union within which the school district or some part thereof is situate, and at a time which is fixed by the auditor, but which shall be as soon as may be after the account is signed by the chairman :
- (3.) The auditor, at least fourteen days before holding the audit, shall serve on the school board, and publish notice of the time and place of holding the same :
- (4.) The clerk of the school board, or some person authorised by the school board, shall attend the audit, and produce to the auditor all books, bills, vouchers and documents relating to the account :
- (5.) Any ratepayer of the school district may be present at the audit and may object to the account :
- (6.) The auditor shall, as nearly as may be, have the like powers and be under the like obligations to allow and disallow items in the account, and to charge the school board, or any member or officer thereof, or any person accountable to them or him, with any sum for which they or he may be accountable, as in the case of an audit of the accounts relating to the relief of the poor in any union or parish; and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit :
- (7.) The auditor shall have the like powers of requiring the attendance of persons, the production of books, bills, vouchers, and documents, and a declaration respecting vouchers and documents, as in the case of such last-mentioned audit; and any person who refuses or neglects to comply with any such requisition, or wilfully makes or signs a false declaration so required, shall be liable to the same penalties as in the case of such last-mentioned audit :
- (8.) Any moneys, books, documents, and chattels certified by the auditor to be due from any person may be recovered from such person in like manner as in the case of such last-mentioned audit, and the expenses incurred in such recovery shall be deemed to be part of the expenses of the audit :
- (9.) Subject to the provisions of this section the Poor Law Board may from time to time make such regulations as may be necessary respecting the form of keeping the accounts and the audit thereof.

61. *Penalty for improper payment of surcharge.]* Any member or officer of a school board, or manager appointed by them, who authorises or makes, or concurs in authorising or making, any payment or any entry in accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the school fund, or disallowed or surcharged by any auditor, shall, on summary conviction, be liable to pay a penalty not exceeding £20 and double the amount of such sum.

62. *Publication of accounts.]* When the auditor has completed the audit he shall sign the balance sheet.

The school board shall cause a statement showing their receipts and expenditure to be printed in such form and with

such particulars as may be from time to time prescribed by the Education Department, and shall send the same within thirty days after the balance sheet is signed by the auditor to each member of the rating authority, and to the overseers of every parish in the district, and to the Education Department; and the school board may, if they think fit, publish such statement or an abstract thereof in any local newspaper or newspapers circulating in the district, and shall furnish a copy of such statement to any ratepayer in the district, on his application, and on the payment of a sum not exceeding sixpence.

Defaulting school board.

63. *Proceedings on default by school board.*] Where the Education Department are, after such inquiry as they think sufficient, satisfied that a school board is in default as mentioned in this Act, they may by order declare such board to be in default, and by the same or any other order appoint any persons, not less than five or more than fifteen, to be members of such school board, and may from time to time remove any member so appointed, and fill up any vacancy in the number of such members, whether caused by removal, resignation, death, or otherwise, and, subject as aforesaid, add to or diminish the number of such members.

After the date of the order of appointment the persons (if any) who were previously members of the school board shall be deemed to have vacated their offices as if they were dead, but any such member may be appointed a member by the Education Department. The members so appointed by the Education Department shall be deemed to be members of the school board in the same manner in all respects as if, by election or otherwise, they had duly become members of the school board under the other provisions of this Act, and may perform all the duties and exercise all the powers of the school board under this Act.

The members appointed by the Education Department shall hold office during the pleasure of the Education Department, and when that department consider that the said default has been remedied, and everything necessary for that purpose has been carried into effect, they may, by order direct that members be elected for the school board in the same manner as in the case of the first formation of the school board. After the date fixed by any such order the members appointed by the Education Department shall cease to be members of the school board, and the members so elected shall be members of the school board in their room, but the members appointed by the Education Department shall not be disqualified from being so elected. Until any such order is made no person shall become a member of the school board otherwise than by the appointment of the Education Department.

Where a school board is not elected at the time fixed for the first election, or has ceased to be in existence, the Education Department may proceed in the same manner as if such board had been elected and were in existence.

64. *Certificate of Education Department as to appointments, expenses, and loans.*] The Education Department may from time to time certify the appointment of any persons appointed to be members of a school board in default, and the amount of expenses that have been incurred by such persons, and the amount of any loan required to be raised for the purpose of defraying any expenses so incurred, or estimated as about to be incurred; and such certificate shall be conclusive evidence that all the requirements of this Act have been duly complied with, and that the persons so appointed have been duly appointed, and that the amounts therein mentioned have been incurred or are required.

65. *Expenses incurred on default.*] The expenses incurred in the performance of their duties by the persons appointed by the Education Department to be members of a school board, including such remuneration (if any) as the Education Department may assign to such persons shall, together with all expenses incurred by the board, be paid out of the school fund; and any deficiency in the school fund may be raised by the school board as provided by this Act; and where the Education Department have, either before or after the payment of such expenses, certified that any expenses have been incurred by a school board, or any members appointed by them, such expenses shall be deemed to have been so incurred, and to have been properly paid out of the school fund.

Where the members of a school board have been appointed by the Education Department, such school board

shall not borrow or charge the school fund with the principal and interest of any loan exceeding such amount as the Education Department certify as mentioned in this Act to be required.

66. *Dissolution of school boards.*] Where the Education Department are of opinion that in the case of any school district the school board for such district are in default, or are not properly performing their duties under this Act, they may by order direct that the then members of the school board of such district shall vacate their seats, and that the vacancies shall be filled by a new election; and after the date fixed by any such order the then members of such board shall be deemed to have vacated their seats, and a new election shall be held in the same manner, and the Education Department shall take the same proceedings for the purpose of such election as if it were the first election; and all the provisions of this Act relating to such first election shall apply accordingly.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have made any order under this section during the preceding year, and their reasons for making such order.

Returns and inquiry.

67. *Returns by local authority.*] On or before the 1st day of January, 1871, or in the case of the metropolis before the expiration of four months from the date of the election of the chairman of the school board, every local authority hereinafter mentioned, and subsequently any such local authority whenever required by the Education Department, but not oftener than once in every year, shall send to the Education Department a return containing such particulars with respect to the elementary schools and children requiring elementary education in their district as the Education Department may from time to time require.

68. *Mode of obtaining returns.*] For the purpose of obtaining such returns the Education Department shall draw up forms and supply to the local authority such number of forms as may be required; and the managers or principal teacher of every school required to be included in any such return shall fill up the form and return the same to the local authority within the time specified in that behalf in the form.

69. *Local authority to make returns.*] The returns shall be made in the metropolis by the school board appointed under this Act, in boroughs by the council, and in every parish not situated in a borough or the metropolis by persons appointed for the purpose or by the overseers of such parish. Where a school board is formed under this Act, the returns shall be made by such school board within their district, instead of by the council, persons appointed as aforesaid, or overseers, as the case may be.

The persons appointed for the purpose may be appointed as follows, namely:—the Education Department may, if they think fit, send to the overseers or other officers who have power to summon a vestry in such parish a requisition to summon, and such overseers or other officers shall summon a vestry in such parish for the purpose of this section; and such vestry shall appoint two or more persons who shall be the local authority for the purpose of the returns under this Act.

The local authority may, with the sanction of the Education Department, employ persons to assist in making such returns, and may pay those persons such remuneration as the Treasury may sanction. That remuneration, and all such other reasonable expenses incurred by the local authority in making such returns as the treasury may sanction, shall be paid by the Education Department.

70. *Proceedings on default of authority to make returns.*] If any local authority fail to make the returns required under this Act, the Education Department may appoint any person or persons to make such returns, and the person or persons so appointed shall for that purpose have the same powers and authorities as the local authority.

71. *Inquiry by inspectors of Education Department.*] The Education Department may appoint any persons to act as inspectors of returns, who shall proceed to inquiry into the accuracy and completeness of any one or more returns made in pursuance of this Act, and into the efficiency and suitability of any school mentioned in any such return, & which ought to have been mentioned therein, and to inspect

and examine the scholars in every such school. Where there is no return the inspector shall proceed as if there had been a defective return.

72. Refusal to fill up forms and to admit inspectors.] If the managers or teacher of any school refuse or neglect to fill up the form required for the said return, or refuse to allow the inspector to inspect the schoolhouse or examine any scholar, or examine the school books and registers, or make copies or extracts therefrom, such school shall not be taken into consideration among the schools giving efficient elementary education to the district.

Public inquiry.

73. Public inquiry.] Where a public inquiry is held in pursuance of the provisions of this Act the following provisions shall have effect:—

- (1.) The Education Department shall appoint some person who shall proceed to hold the inquiry:—
- (2.) The person so appointed shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the school district to which the subject of inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into any objections or representations made respecting the subject of the inquiry, with power from time to time to adjourn any sitting.
- (3.) Notice shall be published in such manner as the Education Department direct of every such sitting (except an adjourned sitting) seven days at least before the holding thereof:—
- (4.) The person so appointed shall make a report in writing to the Education Department setting forth the result of the inquiry, and stating his opinion on the subject thereof, and his reasons for such opinion, and the objections and representations, if any, made on the inquiry, and his opinion thereon; and the Education Department shall cause a copy of such report to be deposited with the school board (if any), or, if there is none, the town clerk of the borough, or the churchwardens or overseers of the parishes to which the inquiry relates, and notice of such deposit to be published:—
- (5.) The Education Department may make an order directing that the costs of the proceedings and inquiry shall be paid, according as they think just, either by the district as if they were expenses of a school board, or by the applicants for the inquiry; and such costs may be recovered, in the former case, as a debt due from the school board, or, if there is no school board, as a debt due from the rating authority, and, in the case of the applicants, as a debt due jointly and severally from them; and the Education Department may, if they think fit, before ordering the inquiry to be held, require the applicants to give security for such expenses, and in case of their refusal may refuse to order the inquiry to be held.

Attendance at school.

74. As to attendance of children at school.] Every school board may from time to time, with the approval of the Education Department, make bye-laws for all or any of the following purposes:—

- (1.) Requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the bye-laws, to cause such children (unless there is some reasonable excuse) to attend school:
- (2.) Determining the time during which children are so to attend school; provided that no such bye-law shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour:
- (3.) Providing for the remission or payment of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same:

- (4.) Imposing penalties for the breach of any bye-laws:
- (5.) Revoking or altering any bye-law previously made.

Provided that any bye-law under this section requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school if one of her Majesty's inspectors certifies that such child has reached a standard of education specified in such bye-law.

Any of the following reasons shall be a reasonable excuse, namely:—

- (1.) That the child is under efficient instruction in some other manner:
- (2.) That the child has been prevented from attending school by sickness or any unavoidable cause:
- (3.) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the bye-laws may prescribe.

The school board, not less than one month before submitting any bye-law under this section for the approval of the Education Department, shall deposit a printed copy of the proposed bye-laws at their office for inspection by any rate-payer, and supply a printed copy thereof gratis to any rate-payer, and shall publish a notice of such deposit.

The Education Department before approving of any bye-laws shall be satisfied that such deposit has been made and notice published, and shall cause such inquiry to be made in the school district as they think requisite.

Any proceeding to enforce any bye-law may be taken, and any penalty for the breach of any bye-law may be recovered, in a summary manner; but no penalty imposed for the breach of any bye-law shall exceed such amount as with the costs will amount to five shillings for each offence, and such bye-laws shall not come into operation until they have been sanctioned by her Majesty in council.

It shall be lawful for her Majesty, by order in council, to sanction the said bye-laws, and thereupon the same shall have effect as if they were enacted in this Act.

All bye-laws sanctioned by her Majesty in council under this section shall be set out in an appendix to the annual report of the Education Department.

Miscellaneous.

75. Application of small endowments.] Where any school or any endowment of a school was excepted from the Endowed Schools Act, 1869, on the ground that such school was at the commencement of that Act in receipt of an annual parliamentary grant, the governing body (as defined by that Act) of such school or endowment may frame and submit to the Education Department a scheme respecting such school or endowment.

The Education Department may approve such scheme with or without any modifications as they think fit.

The same powers may be exercised by means of such scheme as may be exercised by means of any scheme under the Endowed Schools Act, 1869; and such scheme, when approved by the Education Department, shall have effect as if it were a scheme made under that Act.

A certificate of the Education Department that a school was at the commencement of the Endowed Schools Act, 1869, in receipt of an annual parliamentary grant shall be conclusive evidence of that fact for all purposes.

76. Inspection of voluntary schools by inspector not one of her Majesty's inspectors.] Where the managers of any public elementary school not provided by a school board desire to have their school inspected or the scholars therein examined, as well in respect of religious as of other subjects, by an inspector other than one of her Majesty's inspectors, such managers may fix a day or days not exceeding two in any one year for such inspection or examination.

The managers shall, not less than fourteen days before any day so fixed, cause public notice of the day to be given in the school, and notice in writing of such day to be conspicuously affixed in the school.

On any such day any religious observance may be practised, and any instruction in religious subjects given at any time during the meeting of the school, but any scholar who has been withdrawn by his parent from any religious observance or instruction in religious subjects shall not be required to attend the school on any such day.

77. Parish divided by boundaries of boroughs.] Where a parish is situated partly within and partly without a

borough, the part situate outside of the borough shall be taken to be for all the purposes of this Act, except as otherwise expressly mentioned, a parish by itself, and the ratepayers thereof may meet in vestry in the same manner in all respects as if they were the inhabitants of a parish; every such meeting, and also the meeting for the purposes of this Act of the ratepayers of any parish (the ratepayers of which have not usually met in vestry), shall be deemed to be a vestry, and, save as provided by this Act, be subject to the Act of the 5th year of the reign of King George III, chapter 69, and the Acts amending the same, and, subject as aforesaid, shall be summoned by the persons and in the mode prescribed by the Education Department; and the overseers of the whole parish shall be deemed to be the overseers of any such part of a parish.

78. *Education Department may apply to Charity Commissioners under 16 & 17 Vict. c. 137, &c.*] The Education Department shall, for the purposes of The Charitable Trusts Acts, 1853 to 1869, be deemed to be persons interested in any elementary school to which those Acts are applicable, and the endowment thereof.

79. *Ascertaining rateable value.*] The rateable value of any parish or school district shall for the purposes of this Act be the rateable value as stated in the valuation lists, if any, and if there are none, then as stated in the rate book for the time being in force in such parish and in the parishes constituting the district; and the overseers and other persons having the custody of such valuation lists and rate book shall, when required by the school board, produce such lists and rate book to the school board, and allow the school board and any person appointed by them to inspect the same, and take copies of or extracts therefrom.

80. *Mode of publication of notices.*] Notices and other matters required by this Act to be published shall, unless otherwise expressly provided, be published—

- (1.) By advertisement in some one or more of the newspapers circulating in the district or place to which such notice relates:
- (2.) By causing a copy of such notices or other matter to be published to be affixed during not less than twelve hours in the day on Sunday on or near the principal doors of every church and chapel in such district or place to which notices are usually affixed, and at every other place in such district or place at which notices are usually affixed.

81. *Notices may be served by post.*] Certificates, notices, requisitions, orders, precepts, and all documents required by this Act to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.

82. *Notices to and by school board.*] Certificates, notices, requisitions, orders, and other documents may be served on a school board by serving the same on their clerk, or by sending the same to or delivering the same at the office of such board.

Certificates, notices, requisitions, orders, precepts, and other documents may be in writing or in print, or partly in writing and partly in print, and if requiring authentication by a school board may be signed by their clerk.

83. *Evidence of orders, &c. of Education Department.*] All orders, minutes, certificates, notices, requisitions, and documents of the Education Department, if purporting to be signed by some secretary or assistant secretary of the Education Department shall, until the contrary is proved, be deemed to have been so signed and to have been made by the Education Department, and may be proved by the production of a copy thereof purporting to have been so signed.

The Documentary Evidence Act, 1868, shall apply to the Education Department in like manner as if the Education Department were mentioned in the first column of the schedule to that Act, and any member of the Education Department, or any secretary or assistant secretary of the Education Department, were mentioned in the second column of that schedule.

84. *Effect of requisitions of Education Department.*] After the expiration of three months from the date of any order or requisition of the Education Department under this Act, such order or requisition shall be presumed to have been duly made, and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

85. *Appearance of school board.*] A school board may appear in all legal proceedings by their clerk, or by some member of the board authorised by a resolution of the board; and every such resolution shall appear upon the minutes of the proceedings of the board, but every such resolution shall, until the contrary is proved, be deemed in any legal proceeding to appear upon such minutes.

86. *Tenure of teacher and his removal from house under secs. 17 and 18 of 4 and 5 Vict. c. 38.*] The provisions of the School Sites Acts with respect to the tenure of the office of the schoolmaster or schoolmistress, and to the recovery of possession of any premises held over by a master or mistress who has been dismissed or ceased to hold office, shall extend to the case of any school provided by a school board, and of any master or mistress of such school, in the same manner as if the school board were the trustees or managers of the school as mentioned in those Acts.

87. *Ratepayer may inspect books, &c., of school board.*] Every ratepayer in a school district may at all reasonable times, without payment, inspect and take copies of or extracts from all books and documents belonging to or under the control of the school board of such district.

Any person who hinders a ratepayer from so inspecting or taking copies of or extracts from any book or document, or demands a fee for allowing him so to do, shall be liable, on summary conviction, to a penalty not exceeding five pounds for each offence.

88. *Penalty for making incorrect return.*] If any returning officer, clerk, or other person engaged in an election of a school board under this Act wilfully makes or causes to be made an incorrect return of the votes given at such election, every such offender shall, upon summary conviction, be liable to a penalty not exceeding fifty pounds.

89. *Penalty on personation of voter.*] If any person wilfully personates any person entitled to vote in the election of a school board under this Act, or answers falsely any question put to him in voting in pursuance of an order made under the second schedule to this Act, or falsely assumes to act in the name or on the behalf of any person so entitled to vote, he shall be liable, on summary conviction, for every such offence to a penalty not exceeding twenty pounds.

90. *Penalty for forging or falsifying any voting paper or obstructing the election.*] If any person knowingly personates and falsely assumes to vote in the name of any person entitled to vote in any election under this Act, or forge or in any way falsify any name or writing in any paper purporting to contain the vote or votes of any person voting in any such election, or by any contrivance attempt to obstruct or prevent the purposes of any such election, or wilfully contravene any regulation made by the Education Department under the 2nd schedule to this Act with respect to the election, the contravention of which is expressed to involve a penalty, the person so offending shall upon summary conviction be liable to a penalty of not more than fifty pounds, and in default of payment thereof to be imprisoned for a term not exceeding six months.

91. *Corrupt practices.*] Any person who at the election of any member of a school board or any officer appointed for the purpose of such election is guilty of corrupt practices shall, on conviction, for each offence be liable to a penalty not exceeding two pounds, and be disqualified for the term of six years after such election from exercising any franchise at any election under this Act, or at any municipal or parliamentary election.

The term corrupt practices in this section includes all bribery, treating, and undue influence which under any Act relating to a parliamentary election renders such election void.

92. *Recovery of penalties.* 11 & 12 Vict. c. 43.] Any penalty and any money which under this Act is recoverable summarily, and all proceedings under this Act which may be taken in a summary manner, may be recovered and taken before two justices in manner directed by an Act of the session of the 11th and 12th years of the reign of her pre-

sent Majesty, chapter 43, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and the Acts amending the same.

93. *Provision as to Oxford.*] In the case of the borough of Oxford, the provisions of this Act relating to boroughs shall be construed as if the local board were therein mentioned instead of the council; if a school board is formed in the borough of Oxford, one-third of the school board shall be elected by the University of Oxford, or the colleges and halls therein, in such manner as may be directed by the Education Department by an order made under the power contained in the 2nd schedule to this Act.

94. *Effect of schedules.*] The schedules to this Act shall be of the same force as if they were enacted in this Act, and the Acts mentioned in the fourth schedule to this Act may be cited in the manner in that schedule mentioned.

95. *Returns by school board.*] Every school board shall make such report and returns and give such information to the Education Department as the department may from time to time require.

(II.) PARLIAMENTARY GRANT.

96. *Parliamentary grant to public elementary school only.*] After the 31st of March, 1871, no parliamentary grant shall be made to any elementary school which is not a public elementary school within the meaning of this Act.

No parliamentary grant shall be made in aid of building, enlarging, improving, or fitting up any elementary school, except in pursuance of a memorial duly signed, and containing the information required by the Education Department for enabling them to decide on the application, and sent to the Education Department on or before the 31st day of December, 1870—

97. *Conditions of annual parliamentary grant.*] The conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant shall be those contained in the minutes of the Education Department in force for the time being, and shall amongst other matters provide that after the 31st day of March, 1871—

- (1) Such grant shall not be made in respect of any instruction in religious subjects:
- (2) Such grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions, and from school fees, and from any sources other than the parliamentary grant;

but such conditions shall not require that the school shall be in connection with a religious denomination, or that religious instruction shall be given in the school, and shall

not give any preference or advantage to any school on the ground that it is or is not provided by a school board:

Provided that where the school board satisfy the Education Department that in any year ending the twenty-ninth of September the sum required for the purpose of the annual expenses of the school board of any school district, and actually paid to the treasurer of such board by the rating authority, amounted to a sum which would have been raised by a rate of threepence in the pound on the rateable value of such district, and any such rate would have produced less than twenty pounds, or less than seven shillings and sixpence per child of the number of children in average attendance at the public elementary schools provided by such school board, such school board shall be entitled, in addition to the annual parliamentary grant in aid of the public elementary schools provided by them, to such further sum out of moneys provided by Parliament as, when added to the sum actually so paid by the rating authority, would, as the case may be, make up the sum of twenty pounds, or the sum of seven shillings and sixpence for each such child, but no attendance shall be reckoned for the purpose of calculating such average attendance unless it is an attendance as defined in the said minutes:

Provided that no such minute of the Education Department not in force at the time of the passing of this Act shall be deemed to be in force until it has lain for not less than one month on the table of both Houses of Parliament.

98. *Refusal of grant to unnecessary schools.*] If the managers of any school which is situated in the district of a school board acting under this Act, and is not previously in receipt of an annual parliamentary grant, whether such managers are a school board or not, apply to the Education Department for a parliamentary grant, the Education Department may, if they think that such school is unnecessary, refuse such application.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have refused a grant under this section during the preceding year, and their reasons for each such refusal.

99. *Power of schools to take parliamentary grants.*] The managers of every elementary school shall have power to fulfil the conditions required in pursuance of this Act to be fulfilled in order to obtain a parliamentary grant, notwithstanding any provision contained in any instrument regulating the trusts or management of their school, and to apply such grant accordingly.

Report.

100. *Annual report of Education Department.*] The Education Department shall in every year cause to be laid before both Houses of Parliament a report of their proceedings under this Act during the preceding year.

FIRST SCHEDULE.

School District.	School Board.	Local Rate.	Rating Authority.
The metropolis.	The school board appointed under this Act.	In the City of London the consolidated rate. In the parishes mentioned in Schedule A. and the districts mentioned in Schedule B. to the Metropolis Management Act, 1855, the general rate, and fund raised by the general rate. In places mentioned in Schedule C. to the said Act, the rate levied for the purposes of the Metropolitan Poor Act, 1867, and any Act amending the same.	The Commissioners of Sewers. In the parishes the vestry, and in the districts the district board.
Boroughs except Oxford.	The school board appointed under this Act.	The borough fund or borough rate	The council.
District of the local board of Oxford.	The school board appointed under this Act.	Rate leviable by the local board	The local board.
Parishes not included in any of the above-mentioned districts.	The school board appointed under this Act.	The poor rate	The overseers.

SECOND SCHEDULE.

FIRST PART.

Rules respecting election and retirement of members of a school board.

SECOND PART.

Rules respecting resolutions for application for school board.

THIRD PART.

Rules for election of school board in Metropolis.

THIRD SCHEDULE.

Proceedings of school board.

Proceedings of managers appointed by a school board.

Form of precept.

FOURTH SCHEDULE.

SCHOOL SITES ACTS.

FIFTH SCHEDULE.

DIVISIONS OF METROPOLIS.

CAP. LXXVI.

An Act to facilitate the arrest of absconding debtors. [9th August, 1870.]

Whereas the laws now in force for the arrest of debtors absconding from England are insufficient for that purpose:

And whereas frauds may be perpetrated upon creditors by insolvent debtors departing for distant countries before the necessary proceedings can be taken to make them bankrupt:

Be it enacted, &c. .

1. *Provisions of Bankruptcy Act, 1869, extended.*] That the provisions of the Bankruptcy Act, 1869, be extended in manner following:—

The Court may, by warrant addressed to any constable or prescribed officer of the Court, cause a debtor to be arrested and safely kept as prescribed until such time as the Court may order, if, after a debtor's summons has been granted in the manner prescribed by the said Act, and before a petition of bankruptcy can be presented against him, it appear to the Court that there is probable reason for believing that he is about to go abroad, with a view of avoiding payment of the debt for which the summons has been granted, or of avoiding service of a petition of bankruptcy, or of avoiding appearing to such petition, or of avoiding examination in respect of his affairs, or otherwise avoiding, delaying, or embarrassing proceedings in bankruptcy: provided always, that nothing herein contained shall be construed to alter or qualify the right of the debtor to apply to the Court in the prescribed manner to dismiss the said summons as in the said Act is provided, or to pay, secure, or compound for the said debt within the time by the said Act provided, without being deemed to have committed an act of bankruptcy; and provided also, that upon any such payment or composition being made, or such security offered as the Court shall think reasonable, the said debtor shall be discharged out of custody, unless the Court shall otherwise order.

2. *When arrest not valid.*] No arrest shall be valid or protected under this Act unless the debtor, before or at the time of his arrest, shall be served with the debtor's summons.

3. *Security for debt given after arrest.*] No payment or composition of a debt made or security for the same given after an arrest made under the provisions of this Act shall be exempted from the provisions of the said Act relating to fraudulent preferences.

4. *Construction of terms.*] The terms used in this Act shall have the same meaning as they have in the said recited Act, and this Act shall be read and construed therewith.

5. *Costs and fees.*] The costs and fees to be charged in respect of any proceedings authorised shall be prescribed in the like manner in which costs and fees to be charged in respect of proceedings under the Bankruptcy Act, 1869, are respectively directed by that Act to be prescribed.

6. *Short title.*] In citing this Act in other Acts of Parliament, or in any instrument, document, or proceeding, it shall be sufficient to use the expression, "The Absconding Debtors Act, 1870."

CAP. LXXVII.

An Act to amend the laws relating to the qualifications, summoning, attendance, and remuneration of special and common juries. [9th August, 1870.]

Whereas it is expedient to amend the laws regulating the qualification, summoning, attendance, and remuneration of special and common juries in England and Wales, and otherwise to amend the laws as to trials by jury in England and Wales:

Be it enacted, &c.

1. *Commencement of Act.*] This Act shall not come into force till the second day of November, 1870.

2. *Application of Act.*] This Act shall not apply to Scotland or Ireland.

3. *Short titles of certain Acts.*] The Acts hereinafter mentioned may be cited for all purposes by the short titles following, that is to say:—

An Act of the session of the sixth year of the reign of King George the Fourth, chapter fifty, and intituled "An Act for consolidating and amending the laws relative to jurors and juries," by the short title of "The County Juries Act, 1825;" this Act by the short title of "The Juries Act, 1870."

4. *Construction of Act and repeal of inconsistent enactments.*] This Act shall be construed as one with "The County Juries Act, 1825," and any Act amending the same; and such parts of the said Act and of any other Act or Acts as are inconsistent with this Act are hereby repealed.

5. *Definition of terms.*] In this Act—
The term "overseers" shall include churchwardens, and the term "quarter sessions" shall include general sessions:

The word "juror" shall mean male persons only.

6. *Qualification of special jurors.*] Every man whose name shall be in the jurors book for any county in England or Wales, or for the county of the city of London, and who shall be legally entitled to be called an esquire or shall be a person of higher degree, or shall be a banker or merchant, or who shall occupy a private dwelling-house rated or assessed to the poor rate or to the inhabited house duty on a value of not less than one hundred pounds in a town containing according to the census next preceding the preparation of the jury list twenty thousand inhabitants and upwards, or rated or assessed to the poor rate or to the inhabited house duty on a value of not less than fifty pounds elsewhere, or who shall occupy premises other than a farm rated or assessed as aforesaid on a value of not less than one hundred pounds, or a farm rated or assessed as aforesaid on a value of not less than three hundred pounds, shall be qualified and liable to serve on special juries in every such county in England and Wales, and in London respectively.

7. *Qualification of jurors in Wales.*] So much of the said first section of the County Juries Act, 1825, as relates to the qualification of persons as jurors in Wales is hereby repealed, and it is hereby enacted that the qualification of persons as jurors in Wales shall be the same as the qualification of persons as jurors in England.

8. *Aliens to be qualified after ten years domicile, but not otherwise.*] Aliens having been domiciled in England or Wales for ten years or upwards, if in other respects duly qualified, shall be qualified and shall be liable to serve on juries or inquests in England and Wales as if they had been natural-born subjects of the Queen; but, save as aforesaid, no man not being a natural-born subject of the Queen shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

9. *Persons exempt from serving on juries.*] The inhabitants of the city and liberty of Westminster shall, as heretofore, be exempt from serving on any jury at the sessions of the peace for the county of Middlesex.

The persons described in the schedule hereto shall be severally exempt as therein specified from being returned to serve, and from serving upon any juries or inquests whatsoever, and their names shall not be inserted in the lists of the persons qualified and liable to serve on the same, but, save as aforesaid, no man otherwise qualified to serve on such juries or inquests shall be exempt from serving thereon, any enactment, prescription, charter, grant, or writ to the contrary notwithstanding.

10. *Convicts (exception), outlaws, &c., disqualifed.*] Provided always, and it is hereby enacted, that no man who has been or shall be attainted of any treason or felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry, is or shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

11. *Overseers to specify special jurors in list.*] In making out the lists of persons within their respective parishes and townships qualified to serve as jurors, the overseers shall specify which of such persons are, in the judgment of such overseers, qualified as special jurors, and shall also specify in every case the nature of the qualification and also the occupation and the amount of the rating or assessment of every such person.

12. *Disqualification or exemption to be pleaded before revision of list.*] No person whose name shall be in the jury book as a juror shall be entitled to be excused from attendance on the ground of any disqualification or exemption other than illness not claimed by him at or before the revision of the list by the justices of the peace, and a notice to that effect shall be printed at the bottom of every jury list.

13. *Penalty on overseer for negligence.*] If any overseer, without reasonable excuse to be allowed by the justice or justices having cognisance of the case, insert in the list of persons qualified to serve as jurors prepared by him the name of any person whose name ought not to be inserted therein, or omit therefrom the name of any person whose name ought not to have been omitted, he shall, on summary conviction, be liable to a penalty for each offence not exceeding forty shillings.

14. *Justices to certify jury lists after revision.*] Upon completing the revision of the jury lists, the justices at petty sessions shall certify in writing that they have examined such lists, and that the same are, to the best of their knowledge and belief, true and proper lists of the special and common jurors; and the decision of such justices as to the qualifications of persons marked as special jurors in the lists so revised by them shall, as respects those lists, be final.

15. *Special jurors' names to be retained in jurors' book.*] And whereas by the 31st section of "The County Juries Act, 1825," it is enacted, that "the sheriff of every county in England and Wales or his under sheriff, and the sheriffs of London or their secondary, shall, within ten days after the delivery of the jurors book for the current year to either of them, take from such names of all men who shall be described therein as esquires, persons of higher degree, or as bankers or merchants :" Be it enacted, that nothing in the said section contained shall be deemed to authorise the said sheriffs or any of them, or any under sheriff, or any secondary, to remove from the jurors book the name of any person by reason of his being therein described as an esquire or person of higher degree, or as a banker or merchant, nor shall the said sheriffs or any sheriff or under sheriff or secondary remove from the jurors book the name of any person by reason of his being otherwise qualified to serve on special juries.

16. *Special juries for London and Middlesex to be provided in the same manner as in other counties.*] In London and Middlesex, on the occasion of any sittings of the superior courts, or any of them, for the trial of issues, a sufficient number of special jurymen, not less than thirty for each court, shall be summoned to try the special jury causes triable at such sittings.

The said jurymen shall be summoned in pursuance of a precept under the hand of any one of the judges of the said superior courts in the same manner in all respects in which special jurymen are summoned in pursuance of precepts issued by the judges of assize.

The persons summoned in pursuance of such precept shall be the jury for the trial of special jury causes at such sittings in the said courts respectively, subject to such right of challenge as the parties shall be entitled to.

A printed panel of the jurors so summoned shall be made and kept, and a copy thereof delivered and annexed to the nisi prius record at the like time, in the same manner, and upon the same terms as are by law prescribed with reference to the panel of common jurors in the case of London and Middlesex.

Upon the trial the special jury shall be ballotted for and called in the order in which they are drawn from the box in the same manner as common jurors.

Any special jurymen summoned to serve in any one of the said superior courts shall be qualified and be liable, in case of necessity, to serve in any other of the said courts as if he had been originally summoned as one of the jurymen for the trial of special jury causes in such last-mentioned court.

17. *Abolition of present practice of nominating special juries in London and Middlesex.*] The present practice of nominating and reducing special jurors in London and Middlesex shall cease to be followed as regards the trial of any cause at any of the said sittings of the said courts, subject to this proviso, that any of the said superior courts or any judge thereof may, if it seem expedient, order that a special jury be struck according to the present practice, and such order shall be a sufficient warrant for striking such jury and making a panel thereof for the trial of the particular cause.

18. *Mode of obtaining special jury in London and Middlesex.*] In London and Middlesex, subject to any rules which may by any of the superior courts in that behalf, any party to any action triable at any of the aforesaid sittings of the superior courts shall be entitled to have the cause tried by a special jury upon the same conditions as would entitle him to have it so tried in any county other than London and Middlesex.

In London and Middlesex every court or judge shall have the same power of ordering that a cause be tried by a special jury as the like judge would have if the cause were tried in any county other than London and Middlesex.

19. *Summoning of jurors.*] The following regulations shall be enacted with respect to the summoning of jurors:—

(1.) That no person shall be summoned to serve on any jury or inquest (except a grand jury) more than once in any one year, unless all the jurors upon the list shall have been already summoned to serve during such year:

Provided that nothing herein contained shall prejudice the operation of any certificate granted under the County Juries Act, 1825, secs. 41 and 42:

(2.) No person shall be exempted from serving as a common juror by reason of his being on any special jurors list, or being qualified to serve as a grand juror:

(3.) No person shall be summoned or liable to serve as a juror in more than one court on the same day.

20. *Jurors entitled to six days notice.*] No juror shall be liable to any penalty for non-attendance on any jury unless the summons requiring him to attend be duly served six days at least before the day on which he is required to attend, but no longer period than such six days shall in any case be required between the service and such last-mentioned day.

21. *Sheriff to make regulations as to attendance.*] It shall be lawful for any sheriff or other officer to whom any precept for summoning jurors shall be addressed, with the consent of the person or persons by whom such precept shall have been issued, to make regulations as to the attendance of jurors during the time for which they shall be summoned, and in particular as to days on which, and the time during which, they are to attend.

Such regulations may be sent to any juror, together with the summons requiring him to attend on any jury, and when so sent shall be deemed to be part of such summons.

22. *Payment of jurors.*] Jurors shall be entitled to the following remuneration for their services, that is to say:—

Every special juror, when summoned for the purpose of trying special jury cases at the rate of £1 1s. for every day of his attendance.

The remuneration of a juror, when trying common jury cases shall be at the rate of 10s. for every day of his attendance.

The above-mentioned remuneration shall be paid by the parties to the causes to be tried, and for that purpose each of the said parties shall deposit such sum of money as may be determined by any rule of the court in which the cause is depending; and such deposit shall be made in such manner, at such time, and with such officer as the said court may prescribe.

23. *Jurors to be allowed fire and refreshment.*] Jurors after having been sworn, may, in the discretion of the judge, be allowed at any time before giving their verdict the use of a fire when out of court, and be allowed reasonable refreshment, such refreshment to be procured at their own expense.

24. *Judges to make general orders.*] The judges of her Majesty's superior courts of common law are hereby empowered by general orders to make rules, not inconsistent with this Act, for the purpose of carrying out the several provisions of this Act.

25. *Jury lists in the city of London to be made as before.*] This Act shall not alter or affect the mode of procedure pursued in the making out of jury lists for the city of London, nor the provisions of the 9th and 10th Victoria, chapter 95, section 72.

SCHEDULE.

PERSONS EXEMPT FROM SERVING ON JURIES.

Peers.

Members of Parliament.

Judges.

Clergymen.

Roman Catholic priests.

Ministers of any congregation of Protestant dissenters and of Jews whose place of meeting is duly registered, provided they follow no secular occupation except that of a schoolmaster.

Serjeants, barristers-at-law, certificated conveyancers, and special pleaders, if actually practising.

Members of the Society of Doctors of Law and advocates of the civil law, if actually practising.

Attorneys, solicitors, and proctors, if actually practising and having taken out their annual certificates, and their managing clerks, and notaries public in actual practice.

Officers of the courts of law and equity, and of the Admiralty and Ecclesiastical Courts, including therein the Courts of Probate and Divorce, and the clerks of the peace or their deputies, if actually exercising the duties of their respective offices.

Coroners.

Gaolers and keepers of houses of correction, and all subordinate officers of the same.

Keepers in public lunatic asylums.

Members and licentiates of the Royal College of Physicians in London, if actually practising as physicians.

Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, if actually practising as surgeons.

Apothecaries certificated by the Court of Examiners of the Apothecaries Company, and all registered medical practitioners and registered pharmaceutical chemists, if actually practising as apothecaries, medical practitioners, and pharmaceutical chemists respectively.

Officers of the navy, army, militia, and yeomanry, while on full pay.

The members of the Mersey Docks and Harbour Board.

The members, wardens, and brethren of the Corporation of Trinity House of Deptford Strand.

Pilots licensed by the Trinity House of Deptford Strand, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all masters of vessels in the buoy and light service employed by either of those corporations, and all pilots licensed under any Act of Parliament or charter for the regulation of pilots.

The household servants of her Majesty, her heirs and successors.

Officers of the Post Office, Commissioners of Customs, and officers, clerks, or other persons acting in the management or collection of the customs, Commissioners of Inland Revenue, and officers or persons appointed by the Commissioners of Inland Revenue or employed by them or under their authority or direction in any way relating to the duties of Inland Revenue.

Sheriffs officers.

Officers of the rural and metropolitan police.

Magistrates of the metropolitan police courts, their clerks, ushers, doorkeepers, and messengers.

Members of the council of the municipal corporation of any borough, and every justice of the peace assigned to keep the peace therein, and the town clerk and treasurer for the time being of every such borough, so far as relates to any jury summoned to serve in the county where such borough is situate.

Burgesses of every borough in and for which a separate court of quarter sessions shall be holden, so far as relates to any jury summoned for the trial of issues joined in any court of general or quarter sessions of the peace in the county wherein such borough is situate.

Justices of the peace so far as relates to any jury sum-

moned to serve at any sessions of the peace for the jurisdiction of which he is a justice.

Officers of the Houses of Lords and Commons.

CAP. LXXXVIII.

An Act to facilitate the construction and to regulate the working of tramways. [9th August, 1870.]

CAP. LXXXIX.

An Act for further regulation of duties of postage, and for other purposes relating to the Post-office.

[9th August, 1870.]

CAP. LXXX.

An Act for taking the census of Ireland.

[9th August, 1870.]

CAP. LXXXI.

An Act to amend the Acts of the thirty-seventh year of King George the Third, chapter one hundred and twenty-seven, and the thirty-ninth and fortieth years of King George the Third, chapter fourteen (Meeting of Parliament Act, 1870). [9th August, 1870.]

CAP. LXXXII.

An Act to authorise the Commissioners of her Majesty's Treasury to guarantee the payment of a loan to be raised by the Government of Canada for the construction of fortifications in that country.

[9th August, 1870.]

CAP. LXXXIII.

An Act to make better provision for the police force in the city of Londonderry, and to amend the Acts relating to the Royal Irish Constabulary Force.

[9th August, 1870.]

CAP. LXXXIV.

An Act to amend the Public Schools Act, 1868.

[9th August, 1870.]

CAP. LXXXV.

An Act to declare the hundred in which a piece of land in the county of Norfolk is situate, and to provide for the assessment of the said piece of land to the county rate.

[9th August, 1870.]

CAP. LXXXVI.

An Act to amend and extend the Act sixteenth and seventeenth Victoria, chapter ninety-two, to make further provision for uniting counties in Scotland in so far as regards the jurisdiction of the sheriff; and also to make certain provisions regarding the duties of sheriffs and sheriffs substitute in Scotland.

[9th August, 1870.]

CAP. LXXXVII.

An Act to amend the Act twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the annuity tax in Edinburgh and Montrose, and to make provision in regard to the stipends of the ministers in that city and burgh, and also to make provision for the patronage of the church of North Leith;" and to make provision for the abolition of the annuity tax within the parish of Canongate, and for the payment of the minister of said parish.

[9th August, 1870.]

CAP. LXXXVIII.

An Act to extend the Telegraph Acts of 1868, 1869, to the Channel Islands and the Isle of Man.

[9th August, 1870.]

CAP. LXXXIX.

An Act to enable the governors of Queen Anne's Bounty to provide superannuation allowances for their officers.

[9th August, 1870.]

CAP. XC.

An Act to regulate the conduct of her Majesty's subjects during the existence of hostilities between foreign states with which her Majesty is at peace.

[9th August, 1870.]

CAP. XCI.

An Act for the relief of persons admitted to the office of priest or deacon in the Church of England.

[9th August, 1870.]

Whereas it is expedient that relief be given in respect of civil disabilities and in certain other respects to persons who have been admitted to the office of priest or of deacon in the Church of England:

Be it therefore enacted, &c.

1. *Short title.*] This Act may be cited as the Clerical Disabilities Act, 1870.

2. *Interpretation.* In this Act—

The term "the Church of England" means the Church of England as by law established:

The term "minister" means a priest or a deacon:

The terms "preferment," "bishop," and "diocese" respectively have the same meaning as in the Act thirdly mentioned in the first schedule to this Act.

3. *Execution and enrolment of deed of relinquishment.*] Any person admitted (before or after the passing of this Act) to the office of minister in the Church of England may, after having resigned any and every preferment held by him, do the following things:—

(1.) He may execute a deed of relinquishment in the form given in the second schedule to this Act:

(2.) He may cause the same to be enrolled in the High Court of Chancery:

(3.) He may deliver an office copy of the enrolment to the bishop of the diocese in which he last held any preferment, or if he has not held any preferment then to the bishop of the diocese in which he is resident, in either case stating his place of residence:

(4.) He may give notice of his having done so to the archbishop of the province in which that diocese is situate.

4. *Recording by bishop of deed of relinquishment and consequences thereof.*] At the expiration of six months after an office copy of the enrolment of a deed of relinquishment has been so delivered to a bishop, he or his successor in office shall, on the application of the person executing the deed, cause the deed to be recorded in the registry of the diocese, and thereupon and thenceforth (but not sooner) the following consequences shall ensue with respect to the person executing the deed:—

(1.) He shall be incapable of officiating or acting in any manner as a minister of the Church of England, and of taking or holding any preferment therein, and shall cease to enjoy all rights, privileges, advantages, and exemptions attached to the office of minister in the Church of England:

(2.) Every licence, office, and place held by him for which it is by law an indispensable qualification that the holder thereof should be a minister of the Church of England shall be ipso facto determined and void:

(3.) He shall be by virtue of this Act discharged and free from all disabilities, disqualifications, restraints, and prohibitions to which, if this Act had not been passed, he would, by force of any of the enactments mentioned in the first schedule to this Act or of any other law, have been subject as a person who had been admitted to the office of minister in the Church of England, and from all jurisdiction, penalties, censures, and proceedings to which, if this Act had not been passed, he would or might, under any of the same enactments or any other law, have been amenable or liable in consequence of his having been so admitted and of any act or thing done or omitted by him after such admission.

5. *Provision for pending proceedings before recording in registry.*] Provided, that if within the aforesaid period of six months the bishop to whom an office copy of the enrolment of a deed of relinquishment is delivered, or his successor in office, has notice of proceedings pending against the person execu-

ting the deed as a person who had been admitted to the office of minister in the Church of England, the bishop shall, on the application of that person, cause the deed to be recorded in the registry of the diocese on the termination of those proceedings by a definitive sentence, or interlocutory decree having the force and effect of a definitive sentence, and execution thereof, but not sooner.

6. *Service at place of residence stated.*] For the purpose of any proceedings instituted within the aforesaid period of six months against a person executing a deed of relinquishment under this Act, the service of any citation, notice, or other document at the place stated by him in pursuance of this Act as his place of residence shall be good service.

7. *Copy of record to be evidence.*] A copy of the record in the registry of a diocese of a deed of relinquishment under this Act, duly extracted and certified by the registrar of the bishop, shall be evidence of the due execution, enrolment, and recording of the deed, and of the fulfilment of all the requirements of this Act in relation thereto.

The registrar of the bishop shall, on the application of the person executing the deed, give to him a copy of the record thereof duly extracted and certified, on payment of a fee not exceeding ten shillings for the recording and copy thereof.

8. *Saving for pecuniary liabilities.*] Nothing in this Act shall relieve any person or his estate from any liability in respect of dilapidations or from any debt or other pecuniary liability incurred or accrued before or after his execution of a deed of relinquishment under this Act, and the same may be enforced and recovered as if this Act had not been passed.

SCHEDULES.

THE FIRST SCHEDULE.

Enactments referred to,

41 Geo. 3, c. 63. 5 & 6 Will. 4, c. 76, s. 28. 3 & 4, Vict. c. 86.

THE SECOND SCHEDULE.

Form of deed of relinquishment.

Know all men by these presents, that I A.B., of —, having been admitted to the office of priest [or deacon, as the case may be] in the Church of England, [and having resigned here to be inserted description of late preferment, if any,] do hereby in pursuance of the Clerical Disabilities Act, 1870, declare that I relinquish all rights, privileges, advantages, and exemptions of the office as by law belonging to it. In witness whereof I have hereunto set my hand and seal this — day of — 18—.

(Signed) A. B. (L.S.)
Executed by A. B. in presence of C. D. of
[address and description of witness].

CAP. XCII.

An Act to amend the laws for the election of the magistrates and councillors of royal and parliamentary burghs in Scotland.

[9th August, 1870.]

CAP. XCIII.

An Act to amend the law relating to the property of married women.

[9th August, 1870.]

Whereas it is desirable to amend the law of property and contract with respect to married women:

Be it enacted, &c.

1. *Earnings of married women to be deemed their own property.*] The wages and earnings of any married woman acquired or gained by her after the passing of this Act in any employment, occupation, or trade in which she is engaged or in which she carries on separately from her husband, and also any money or property so acquired by her through the exercise of any literary, artistic, or scientific skill, and all investments of such wages, earnings, money, or property, shall be deemed and taken to be property held and settled to her separate use, independent of any husband to whom she may be married, and her receipts alone shall be a good discharge for such wages, earnings, money, and property.

2. *Deposits in savings banks by a married woman to be deemed her separate property. Proviso.*] Notwithstanding any provision to the contrary in the Act of the tenth year of George the 4th, chapter 24, enabling the Commissioners for the Reduction of the National Debt to grant life annuities and annuities

for terms of years, or in the Acts relating to savings banks and post office savings banks, any deposit hereafter made and any annuity granted by the said commissioners under any of the said Acts in the name of a married woman, or in the name of a woman who may marry after such deposit or grant, shall be deemed to be the separate property of such woman, and the same shall be accounted for and paid to her as if she were an unmarried woman: provided that if any such deposit is made by, or such annuity granted to, a married woman by means of moneys of her husband without his consent, the court may, upon an application under section nine of this Act, order such deposit or annuity or any part thereof to be paid to the husband.

3. *As to a married woman's property in the funds.* Any married woman, or any woman about to be married, may apply to the Governor and Company of the Bank of England, or to the Governor and Company of the Bank of Ireland, by a form to be provided by the governor of each of the said banks and company for that purpose, that any sum forming part of the public stocks and funds, and not being less than twenty pounds to which the woman so applying is entitled, or which she is about to acquire, may be transferred to or made to stand in the books of the governor and company to whom such application is made in the name or intended name of the woman as a married woman entitled to her separate use, and on such sum being entered in the books of the said governor and company accordingly the same shall be deemed to be the separate property of such woman, and shall be transferred and the dividends paid as if she were an unmarried woman: provided that if any such investment in the funds is made by a married woman by means of moneys of her husband without his consent, the court may, upon an application under section nine of this Act, order such investment and the dividends thereof, or any part thereof, to be transferred and paid to the husband.

4. *As to a married woman's property in a joint stock company.* Any married woman, or any woman about to be married, may apply in writing to the directors or managers of any incorporated or joint stock company that any fully paid up shares, or any debenture or debenture stock, or any stock of such company, to the holding of which no liability is attached, and to which the woman so applying is entitled, may be registered in the books of the said company in the name or intended name of the woman as a married woman entitled to her separate use, and it shall be the duty of such directors or managers to register such shares or stock accordingly, and the same upon being so registered shall be deemed to be the separate property of such woman, and shall be transferred and the dividends and profits paid as if she were an unmarried woman; provided that if any such investment as last mentioned is made by a married woman by means of moneys of her husband without his consent, the court may, upon an application under section nine of this Act, order such investment and the dividends and profits thereon, or any part thereof, to be transferred and paid to the husband.

5. *As to a married woman's property in a society.* Any married woman, or any woman about to be married, may apply in writing to the committee of management of any industrial and provident society, or to the trustees of any friendly society, benefit building society, or loan society, duly registered, certified, or enrolled under the Acts relating to such societies respectively, that any share, benefit, debenture, right, or claim whatsoever in, to, or upon the funds of such society to the holding of which share, benefit, or debenture no liability is attached, and to which the woman so applying is entitled, may be entered in the books of the society in the name or intended name of the woman as a married woman entitled to her separate use, and it shall be the duty of such committee or trustees to cause the same to be so entered, and thereupon such share, benefit, debenture, right, or claim shall be deemed to be the separate property of such woman, and shall be transferable and payable with all dividends and profits thereon as if she were an unmarried woman: provided that if any such share, benefit, debenture, right or claim has been obtained by a married woman by means of moneys of her husband without his consent, the court may, upon an application under section nine of this Act, order the same and the dividends and profits thereon, or any part thereof, to be transferred and paid to the husband.

6. *Deposit of moneys in fraud of creditors invalid.* Nothing hereinbefore contained in reference to moneys deposited in

o annuities granted by savings banks or moneys invested in the funds or in shares or stock of any company, shall as against creditors of the husband give validity to any deposit or investment of moneys of the husband made in fraud of such creditors, and any moneys so deposited or invested may be followed as if this Act had not passed.

7. *Personal property not exceeding £200 coming to a married woman to be her own.* Where any woman married after the passing of this Act shall during her marriage become entitled to any personal property as next of kin or one of the next of kin of an intestate, or to any sum of money not exceeding two hundred pounds under any deed or will, such property shall, subject and without prejudice to the trusts of any settlement affecting the same, belong to the woman for her separate use, and her receipts alone shall be a good discharge for the same.

8. *Freehold property coming to a married woman, rents and profits only to be her own.* Where any freehold, copyhold, or customary hold property shall descend upon any woman married after the passing of this Act as heiress or co-heiress of an intestate, the rents and profits of such property shall, subject and without prejudice to the trusts of any settlement affecting the same, belong to such woman for her separate use, and her receipts alone shall be a good discharge for the same.

9. *How questions as to ownership of property to be settled.* In any question between husband and wife as to property declared by this Act to be the separate property of the wife, either party may apply by summons or motion in a summary way either to the Court of Chancery in England or Ireland according as such property is in England or Ireland, or in England (irrespective of the value of the property) the judge of the county court of the district in which either party resides, and thereupon the judge may make such order, direct such inquiry, and award such costs as he shall think fit: provided that any order made by such judge shall be subject to appeal in the same manner as the order of the same judge made in a pending suit or on an equitable plaint would have been, and the judge may, if either party so require, hear the application in his private room.

10. *Married woman may effect policy of insurance.* A married woman may effect a policy of insurance upon her own life or the life of her husband for her separate use, and the same and all benefit thereof, if expressed on the face of it to be so effected, shall ensue accordingly, and the contract in such policy shall be as valid as if made with an unmarried woman.

As to insurance of a husband for benefit of his wife.] A policy of insurance effected by any married man on his own life, and expressed upon the face of it to be for the benefit of his wife or of his wife and children, or any of them, shall ensue and be deemed a trust for the benefit of his wife for her separate use, and of his children, or any of them, according to the interest so expressed, and shall not, so long as any object of the trust remains, be subject to the control of the husband or to his creditors, or form part of his estate. When the sum secured by the policy becomes payable, or at any time previously, a trustee thereof may be appointed by the Court of Chancery in England or in Ireland according as the policy of insurance was effected in England or in Ireland, or in England by the judge of the county court of the district, or in Ireland by the chairman of the civil bill court of the division of the county in which the insurance office is situated, and the receipt of such trustee shall be a good discharge to the office. If it shall be proved that the policy was effected and premiums paid by the husband with intent to defraud his creditors, they shall be entitled to receive out of the sum secured an amount equal to the premiums so paid.

11. *Married woman may maintain an action.* A married woman may maintain an action in her own name for the recovery of any wages, earnings, money, and property by this Act declared to be her separate property, or of any property belonging to her before marriage, and which her husband shall, by writing under his hand, have agreed with her shall belong to her after marriage as her separate property, and she shall have in her own name the same remedies, both civil and criminal, against all persons whomsoever, for the protection and security of such wages, earnings, money, and property, and of any chattels or other property purchased or obtained by means thereof for her own use, as

if such wages, earnings, money, chattels, and property belonged to her as an unmarried woman; and in any indictment or other proceeding it shall be sufficient to allege such wages, earnings, money, chattels, and property to be her property.

12. *Husband not to be liable on his wife's contracts before marriage.*] A husband shall not, by reason of any marriage which shall take place after this Act has come into operation, be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued for, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried.

13. *Married woman to be liable to the parish for the maintenance of her husband.*] Where in England the husband of any woman having separate property becomes chargeable to any union or parish, the justices having jurisdiction in such union or parish may, in petty sessions assembled, upon application of the guardians of the poor, issue a summons against the wife, and make and enforce such order against her for the maintenance of her husband as by the 33rd section of the Poor Law Amendment Act, 1868, they may now make and enforce against a husband for the maintenance of his wife who becomes chargeable to any union or parish. Where in Ireland relief is given under the provisions of the Acts relating to the relief of the destitute poor to the husband of any woman having separate property, the cost price of such relief is hereby declared to be a loan from the guardians of the union in which the same shall be given, and shall be recoverable from such woman as if she were a feme sole by such and the same actions and proceedings as money lent.

14. *Married woman to be liable to the parish for the maintenance of her children.*] A married woman having separate property shall be subject to all such liability for the maintenance of her children, as a widow is now by law subject to for the maintenance of her children: provided always, that nothing in this Act shall relieve her husband from any liability at present imposed upon him by law to maintain her children.

15. *Commencement of Act.*] This Act shall come into operation at the time of the passing of this Act.

16. *Extent of Act.*] This Act shall not extend to Scotland.

17. *Short title.*] This Act may be cited as the "Married Women's Property Act, 1870."

CAP. XCIV.

An Act to provide for superannuation allowances to medical officers of unions, districts, and parishes in England and Wales. [9th August, 1870.]

CAP. XCV.

An Act to authorise the carriage of naval and military stores in passenger ships. [9th August, 1870.]

CAP. XCVI.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-one, and to appropriate the supplies granted in this session of Parliament. [10th August, 1870.]

CAP. XCVII.

An Act for granting certain stamp duties in lieu of duties of the same kind now payable under various Acts, and consolidating and amending provisions relating thereto. [10th August, 1870.]

Be it enacted, &c.

1. *Short title and commencement of Act.*] This Act may be cited as "The Stamp Act, 1870," and shall come into operation on the first day of January, one thousand eight hundred and seventy-one, which date is hereinafter referred to as the commencement of this Act.

2. *Interpretation of terms.*] In the construction and for the purposes of this Act the following words have the meanings by this section assigned to them, unless it is otherwise provided, or there be something in the context repugnant thereto:—

- (1) "The commissioners" means the Commissioners of Inland Revenue:
- (2) "Material" means and includes every sort of material upon which words or figures can be expressed:
- (3) "Write," "written," and "writing" include every mode in which words or figures can be expressed upon material:
- (4) "Instrument" means and includes every written document:
- (5) "Stamp" means as well a stamp impressed by means of a die as an adhesive stamp:
- (6) "Stamped," with reference to instruments and material, applies as well to instruments and material impressed with stamp by means of a die as to instruments and material having adhesive stamps affixed thereto:
- (7) "Executed" and "execution," with reference to instruments not under seal, mean signed and signature:
- (8) "Money" includes all sums expressed in British or in any foreign or colonial currency:
- (9) "Stock" means and includes any share in any stocks or funds transferable at the Bank of England or at the Bank of Ireland, and India promissory notes, and any share in the stocks or funds of any foreign or colonial state or government, or in the capital stock or funded debt of any company, corporation, or society in the United Kingdom, or of any foreign or colonial company, corporation, or society:
- (10) "Marketable security" means a security of such a description as to be capable of being sold in any stock market in the United Kingdom:
- (11) "Person" includes company, corporation, and society:
- (12) "Steward" of a manor includes deputy steward.

3. *Grant of duties in schedule.*] From and after the commencement of this Act, and subject to the exemptions contained in the schedule to this Act, and in any other Acts for the time being in force, there shall be charged for the use of Her Majesty, her heirs and successors, upon the several instruments specified in the schedule to this Act, the several duties in the said schedule specified, and no other duties.

4. *As to instruments charged with the duty of 3s.*] Any instrument which by any Act heretofore passed, and not relating to stamp duties, is specifically charged with the duty of thirty-five shillings shall, from and after the commencement of this Act, be chargeable only with the duty of ten shillings in lieu of the said duty of thirty-five shillings.

5. *As to instruments relating to property belonging to the Crown.*] Except where express provision to the contrary is made by this or any other Act, an instrument relating to property belonging to the Crown, or being the private property of the Sovereign, is to be charged with the same duty as an instrument of the same kind relating to property belonging to a subject.

6. *All duties to be paid according to the regulations of this Act and the schedule to be read as part of this Act.*] (1.) All stamp duties which may from time to time be chargeable by law upon any instruments are to be paid and denoted according to the general and special regulations in this Act contained.

(2.) The said schedule, and everything therein contained, is to be read and construed as part of this Act.

GENERAL REGULATIONS.

7. *How instruments are to be written and stamped.*] (1.) Every instrument written upon stamped material is to be written in such manner, and every instrument partly or wholly written before being stamped is to be so stamped, that the stamp may appear on the face of the instrument, and cannot be used for or applied to any other instrument written upon the same piece of material.

(2.) If more than one instrument be written upon the same piece of material, every one of such instruments is to be separately and distinctly stamped with the duty with which it is chargeable.

8. *Instruments to be separately charged with duty in certain cases.*] Except where express provision to the contrary is made by this or any other Act,

(1.) An instrument containing or relating to several distinct matters is to be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each of such matters.

(2.) An instrument made for any consideration or considerations in respect whereof it is chargeable with ad valorem duty, and also for any further or other valuable consideration or considerations, is to be charged with duty in respect of such last mentioned consideration or considerations as if it were a separate instrument made for such consideration or considerations only.

9. *As to the use of appropriated stamps.* (1.) A stamp which by any word or words on the face of it is appropriated to any particular description of instrument is not to be used, or, if used, is not to be available, for an instrument of any other description.

(2.) An instrument falling under the particular description to which any stamp is so appropriated as aforesaid is not to be deemed duly stamped, unless it is stamped with the stamp so appropriated.

10. *Facts and circumstances affecting duty to be set forth in instruments.* All the facts and circumstances affecting the liability of any instrument to ad valorem duty, or the amount of the ad valorem duty with which any instrument is chargeable, are to be fully and truly set forth in the instrument; and every person who, with intent to defraud her Majesty, or her heirs or successors,

- (1.) Executes any instrument in which all the said facts and circumstances are not fully and truly set forth;
- (2.) Being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all the said facts and circumstances;

Penalty, £10.] shall forfeit the sum of £10.

11. *Money in foreign or colonial currency to be valued.* Where an instrument is chargeable with ad valorem duty in respect of any money in any foreign or colonial currency, such duty shall be calculated on the value of such money in British currency according to the current rate of exchange on the day of the date of the instrument.

12. *Stock and marketable securities to be valued.* Where an instrument is chargeable with ad valorem duty in respect of any stock or of any marketable security, such duty shall be calculated on the value of such stock or security according to the average price thereof on the day of the date of the instrument.

13. *Effect of statement of value.* Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement, it is, so far as regards the subject matter of such statement, to be deemed duly stamped, unless or until it is shown that such statement is untrue, and that the instrument is in fact insufficiently stamped.

14. *As to denoting stamp.* Where the duty with which an instrument is chargeable depends in any manner upon the duty paid upon another instrument, the payment of such last mentioned duty shall, if application be made to the commissioners for that purpose, and on production of both the instruments, be denoted in such manner as the commissioners think fit upon such first mentioned instrument.

15. *Terms upon which instruments may be stamped after execution.* (1.) Except where express provision to the contrary is made by this or any other Act, any unstamped or insufficiently stamped instrument may be stamped after the execution thereof, on payment of the unpaid duty and a penalty of ten pounds; and also by way of further penalty, where the unpaid duty exceeds ten pounds of interest on such duty, at the rate of five pounds per centum per annum, from the day upon which the instrument was first executed up to the time when such interest is equal in amount to the unpaid duty.

And the payment of any penalty or penalties is to be denoted on the instrument by a particular stamp.

Proviso. (2.) Provided as follows:—

As to instruments executed abroad. (a.) Any unstamped or insufficiently stamped instrument, which has been first executed at any place out of the United Kingdom, may be stamped, at any time within two months after it has been first received in the United Kingdom, on payment of the unpaid duty only:

As to remission of penalties. (b.) The commissioners may, if they think fit, at any time within twelve months after the first execution of any instrument, remit the penalty or penalties, or any part thereof.

16. *Terms upon which unstamped or insufficiently stamped instruments may be received in evidence in any court.* (1.) Upon the production of an instrument chargeable with any duty as evidence in any court of civil judicature in any part of the United Kingdom, the officer whose duty it is to read the instrument shall call the attention of the judge to any omission or insufficiency of the stamp thereon, and if the instrument is one which may legally be stamped after the execution thereof, it may, on payment to the officer of the amount of the unpaid duty, and the penalty payable by law on stamping the same as aforesaid, and of a further sum of one pound, be received in evidence, saving all just exceptions on other grounds.

The officer of the court to account for duties and penalties.

(2.) The officer receiving the said duty and penalty shall give a receipt for the same, and make an entry in a book kept for that purpose of the payment and of the amount thereof, and shall communicate to the commissioners the name or title of the cause or proceeding in which, and of the party from whom, he received the said duty and penalty, and the date and description of the instrument, and shall pay over to the receiver-general of inland revenue, or to such other person as the commissioners may appoint, the money received by him for the said duty and penalty.

(3.) Upon production to the commissioners of any instrument in respect of which any duty or penalty has been paid as aforesaid, together with the receipt of the said officer, the payment of such duty and penalty shall be denoted on such instrument accordingly.

17. *Instrument not duly stamped inadmissible.* Save and except as aforesaid, no instrument executed in any part of the United Kingdom, or relating, wheresoever executed, to any property situate, or to any matter or thing done or to be done, in any part of the United Kingdom, shall, except in criminal proceedings, be pleaded or given in evidence, or admitted to be good, useful, or available in law or equity, unless it is duly stamped in accordance with the law in force at the time when it was first executed.

18. *The commissioners may be required to express their opinion as to duty.* (1.) Subject to such regulations as the commissioners may think fit to make, the commissioners may be required by any person to express their opinion with reference to any executed instrument upon the following questions:—

(a.) Whether it is chargeable with any duty;

(b.) With what amount of duty it is chargeable.

Mode and effect of proceeding. (2.) If the commissioners are of opinion that the instrument is not chargeable with any duty, such instrument may be stamped with a particular stamp denoting that it is not chargeable with any duty.

(3.) If the commissioners are of opinion that the instrument is chargeable with duty, they shall assess the duty with which it is in their opinion chargeable, and if or when the instrument is duly stamped in accordance with the assessment of the commissioners, it may be also stamped with a particular stamp denoting that it is duly stamped.

(4.) Every instrument stamped with the particular stamp denoting either that it is not chargeable with any duty, or is duly stamped, shall be admissible in evidence, and available for all purposes, notwithstanding any objection relating to duty.

Proviso. (5.) Provided as follows:—

(a.) An instrument upon which the duty has been assessed by the commissioners shall not, if it is unstamped or insufficiently stamped, be stamped otherwise than in accordance with the assessment of the commissioners:

(b.) Nothing in this section contained extends to any instrument chargeable with duty, and made as a security for money or stock without limit:

(c.) Nothing in this section contained shall be deemed to authorise the stamping after the execution thereof of any instrument prohibited by law from being so stamped.

19. *Person dissatisfied may appeal.* (1.) Any person who is dissatisfied with the assessment of the commissioners made in pursuance of the last preceding section may, within twenty-one days after the date of such assessment, and on payment of duty in conformity therewith, appeal against such assessment to her Majesty's Court of Exchequer in England, Scotland, or Ireland, according to the country in which the case has arisen, and may for that purpose re-

quire the commissioners to state and sign a case, setting forth the question upon which their opinion was required, and the assessment made by them.

Mode of proceeding.] (2.) The commissioners shall thereupon state and sign a case accordingly, and deliver the same to the person by whom it is required, and on his application such case may be set down for hearing in the proper court.

(3.) Upon the hearing of such case (due notice of which is to be given to the commissioners) the court shall determine the question submitted, and, if the instrument in question is in the opinion of the court chargeable with any duty, shall assess the duty with which it is so chargeable.

(4.) If it is decided by the court that the assessment of the commissioners is erroneous, any excess of duty which may have been paid in conformity with such erroneous assessment, together with any penalty which may have been paid in consequence thereof, shall be ordered by the court to be repaid by the commissioners to the appellant, together with the costs incurred by him in relation to the appeal.

(5.) But if the assessment of the commissioners is confirmed by the court, the costs incurred by the commissioners in relation to the appeal shall be ordered by the court to be paid by the appellant to the commissioners.

20. *The commissioners may call for and refuse to proceed without evidence.]* (1.) In any case of application to the commissioners with reference to any instrument the commissioners may require to be furnished with an abstract of the instrument, and also with such evidence as they may deem necessary, in order to show to their satisfaction whether all the facts and circumstances affecting the liability of the instrument to duty, or the amount of the duty chargeable thereon, are fully and truly set forth therein, and may refuse to proceed upon any such application until such abstract and evidence has been furnished accordingly.

Proviso.] (2.) Provided that no affidavit or statutory declaration made in pursuance of this section shall be used against any person making the same in any proceeding whatever, except in an inquiry as to the duty with which the instrument to which it relates is chargeable; and every person by whom any such affidavit or declaration is made shall, on payment of the full duty with which the instrument to which it relates is chargeable, be relieved from any penalty, forfeiture, or disability he may have incurred by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

21. *Rolls, books, &c. to be open to inspection.]* (1.) All public officers having in their custody any rolls, books, records, papers, documents, or proceedings, the inspection whereof may tend to secure any duty, or to the proof or discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person thereunto authorised by the commissioners to inspect all such rolls, books, records, papers, documents, and proceedings, and to take such notes and extracts as he may deem necessary, without fee or reward.

Penalty for refusal, £10.] (2.) Every person who refuses to permit such inspection shall for every such refusal forfeit the sum of ten pounds.

22. *Penalty for enrolling, &c. any instrument not duly stamped, £10.]* If any person whose office it is to enrol, register, or enter in or upon any rolls, books, or records any instrument chargeable with any duty, enrols, registers, or enters any such instrument not being duly stamped, he shall forfeit the sum of ten pounds.

23. *How duties to be denoted.]* Except where express provision is made to the contrary, all duties are to be denoted by impressed stamp only.

24. *General direction as to the cancellation of adhesive stamps.]* (1.) An instrument the duty upon which is required or permitted by law to be denoted by an adhesive stamp is not to be deemed duly stamped with an adhesive stamp unless the person required by law to cancel such adhesive stamp cancels the same by writing on or across the stamp his name or initials, or the name or initials of his firm, together with the true date of his so writing, so that the stamp may be effectually cancelled, and rendered incapable of being used for any other instrument, or unless it is otherwise proved that the stamp appearing on the instrument was affixed thereto at the proper time.

Penalty for neglect or refusal, £10.] (2.) Every person who, being required by law to cancel an adhesive stamp, wilfully neglects or refuses duly and effectually to do so in manner aforesaid, shall forfeit the sum of ten pounds.

25. *Penalty for frauds in relation to adhesive stamps, or to any duty, £50.]* Any person who—

- (1.) Fraudulently removes or causes to be removed from any instrument any adhesive stamp, or affixes any adhesive stamp which has been so removed, to any other instrument with intent that such stamp may be used again;
- (2.) Sells or offers for sale, or utters, any adhesive stamp which has been so removed, or utters any instrument having thereon any adhesive stamp which has to his knowledge been so removed as aforesaid;
- (3.) Practises or is concerned in any fraudulent act, contrivance, or device not specially provided for, with intent to defraud Her Majesty, her heirs or successors, of any duty;

shall forfeit, over and above any other penalty to which he may be liable, the sum of fifty pounds.

26. *Recovery of penalties.]* (1.) Penalties incurred under this Act are to be sued for by information in the Court of Exchequer in England in the name of the Attorney General for England, in Scotland in the name of the Lord Advocate, and in Ireland in the name of the Attorney General for Ireland, and may be recovered with full costs of suit.

(2.) The commissioners may, at their discretion, mitigate or stay or compound proceedings for any penalty, and reward any person who may inform them of any offence against this Act, or assist in the recovery of any penalty.

27. *Affidavits and declarations how to be made.]* Any affidavit or declaration to be made in pursuance or for the purposes of this Act may be made before any of the commissioners, or any officer or person authorised by them in that behalf, or before a person appointed to administer oaths in the Court of Chancery in England or Ireland, or before any person commissioned to take affidavits by the Court of Session in Scotland, or before any justice of the peace or notary public in any part of the United Kingdom, or at any place out of the United Kingdom before any person duly authorised to administer oaths there.

28. *Money received and not appropriated to be recoverable in Court of Exchequer.]* (1.) Every person who, having received any sum of money as or for the duty upon or in respect of any instrument, neglects or omits to appropriate such money to the due payment of such duty, or otherwise improperly withholds or detains the same, shall be accountable for the amount of such duty, and the same shall be a debt from him to her Majesty, her heirs or successors, and recoverable as such accordingly.

(2.) The Court of Exchequer in England, Scotland, or Ireland may, upon application to be made for that purpose on behalf of the commissioners, upon such affidavit as may appear sufficient, grant a rule requiring any such person as aforesaid, or the officer of any court, or the executor or administrator of such person or officer, to show cause why he should not deliver to the commissioners an account upon oath of all duties and sums of money received by such person or officer, and why the same should not be forthwith paid to the Receiver General of Inland Revenue, or to such other person as the commissioners may appoint to receive the same; and the court may make absolute any such rule, and enforce by attachment or otherwise the payment of any such duties or sums of money as on such proceedings may appear to be due, together with the costs of the proceedings.

SPECIAL REGULATIONS.

As to admissions generally.

29. *Duty, how to be denoted.]* The duty payable under this Act upon an admission is to be denoted on the instrument of admission delivered to the person admitted, if there be any such instrument, or if not, on the register, entry, or memorandum of the admission in the rolls, books, or records of the court, inn, college, borough, burgh, company, corporation, guild, or society in which the admission is made, and in cases in which no instrument of admission is delivered, and no register, entry, or memorandum is made, on the rescript or warrant for admission.

30. *Penalty on officers for neglect or refusal to prepare duly stamped documents or entries.]* If any person whose office it is to prepare or deliver out any instrument of admission chargeable with any duty, or to register, enter, or make any memorandum of any admission in respect of which no instrument of admission is delivered to the person admitted, neglects or refuses, within one month after the admission,

to prepare a duly stamped instrument of admission, or to make a proper and duly stamped register, entry, or memorandum of the admission, as the case may require, he shall forfeit the sum of ten pounds.

As to admissions to the degree of a barrister-at-law in Ireland, and of students to the Society of King's Inns, Dublin.

31. *Distinct accounts to be kept of certain sums payable to King's Inns Dublin.]* Distinct accounts are to be kept of the sums following, that is to say:—

- (1.) Ten pounds, part of the duty of fifty pounds payable on the admission to the degree of a barrister-at-law in Ireland of a person not previously admitted to that degree in England:
- (2.) Ten pounds, payable for duty on the like admission of a person who has been previously admitted to the said degree in England:
- (3.) Ten pounds, part of the duty payable on the admission of a student into the Society of King's Inns, Dublin:

And the said sums are respectively to be paid over by the Receiver General of Inland Revenue to the treasurer of the Society of King's Inns, Dublin, to be applied by him according to the directions of the said society.

32. *As to admission as a student of King's Inns, Dublin, of a member of Inns of Court in England.]* If any person, who has been duly admitted a member of one of the Inns of Court in England, is afterwards duly admitted a student of the Society of King's Inns, in Dublin, the duty paid by him in respect of his former admission is, on application made within six months after the last admission, to be allowed and returned to him.

As to admissions or appointments to and grants of offices or employments.

33. *Fees and emoluments how to be estimated.]* The fees and emoluments appertaining to any office or employment are, when practicable, to be estimated according to the average amount thereof for three years preceding the date of the admission, appointment, or grant, and in other cases according to the best information that can be obtained.

34. *Re-appointments not chargeable with duty, except for augmentation.]* Where any office or employment is granted anew to any person upon the revocation of any former grant thereof or appointment thereto, in respect of which the proper duty has been paid, no duty is to be charged on the grant or appointment by way of renewal, unless the salary, fees, and emoluments of the office or employment are in any manner augmented, and in that case duty is to be charged on such last mentioned grant or appointment in proportion to the amount of the augmentation only.

35. *No duty on promotion in the customs except for augmentation.]* Upon the promotion of any person from any office or employment in her Majesty's Customs, in respect of which he has paid the proper duty, to any other office or employment therein, the appointment of such person to the office or employment to which he is so promoted is to be charged with duty in respect only of any augmentation in his salary, fees, and emoluments.

As to agreements.

36. *Duty may be denoted by adhesive stamp.]* The duty of sixpence upon an agreement may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the agreement is first executed.

As to appointments, &c. to ecclesiastical benefices, &c.

37. *Net yearly value, how to be ascertained and determined.]* The net yearly value of an ecclesiastical benefice, dignity, or promotion, or of a perpetual curacy, in England, whether the emoluments thereof consist of money or of produce, or partly of money and partly of produce, is to be ascertained and determined by the certificate of the Ecclesiastical Commissioners for England, to be written on the instrument charged with duty.

Provided that two or more benefices, or a benefice and any ecclesiastical dignity or promotion episcopally or permanently united, shall be deemed one benefice only.

As to appraisements.

38. *Appraisements to be written out. Penalty on the appraiser, £60.]* (1.) Every appraiser, by whom an appraisement or valuation is made, shall, within fourteen days after the

making thereof, write out the same, in words and figures showing the full amount thereof, upon duly stamped material, and if he neglects or omits so to do, or in any other manner delivers out, or states the amount of, any such appraisement or valuation, shall forfeit the sum of fifty pounds.

On other offenders, £20.] (2.) Any person who receives from any appraiser, or pays for the making of, any appraisement or valuation, unless the same be written out and stamped as aforesaid, shall forfeit the sum of twenty pounds.

As to instruments of apprenticeship.

39. *Interpretation of terms.]* Every writing relating to the service or tuition of any apprentice, clerk, or servant placed with any master to learn any profession, trade, or employment (except articles of clerkship to attorneys and others hereby specifically charged with duty), is to be deemed an instrument of apprenticeship.

40. *Premium or consideration to be set out in writing. Penalty £20, and the contract to be void.]* The full sum of money, and the value of any other matter or thing, paid, given, or assigned, or secured to be paid, given, or assigned, to or for the benefit of the master with or in respect of any apprentice, clerk, or servant (not being a person bound to serve in order to admission in any court), is to be fully and truly set forth in an instrument of apprenticeship; and if any such sum, or other matter or thing, be paid, given, assigned, or secured as aforesaid, and no such instrument be made, or if any such instrument be made, and such sum, or the value of such other matter or thing, be not set forth therein as aforesaid, the master, and also the apprentice himself, if of full age, and any other person being a party to the contract, or by whom any such sum, or other matter or thing, is paid, given, assigned, or secured, shall forfeit the sum of twenty pounds, and the contract, and the instrument (if any) containing the same, shall be null and void.

As to original articles of clerkship.

41. *Articles in England not to be charged with more than one duty of £80.]* (1.) Where the same articles are a qualification for the admission of any person not only as an attorney or solicitor in any of her Majesty's courts at Westminster, but also as an attorney or solicitor in any of the courts of the counties palatine of Lancaster and Durham, such articles are not to be charged with more than one duty of eighty pounds.

And in certain cases may be stamped with additional duty.] (2.) Where any person has become bound by duly stamped articles in order to his admission as an attorney or solicitor in any of the courts of the counties palatine of Lancaster and Durham, such articles shall, on payment of such further amount of duty as, together with the amount of duty previously paid thereon, will make up the sum of eighty pounds, be impressed with a stamp denoting the payment of such further duty, and shall thereupon be considered to be sufficiently stamped for the purpose of entitling such person to admission in any of the courts at Westminster.

42. *Articles in Scotland not to be charged with more than one duty of £60.]* (1.) Where the same articles are a qualification for the admission of any person not only as a writer to the signet, or as a solicitor, agent, or attorney in any of the Courts of Session, Justiciary, or Commission of Teinds, but also as a procurator or solicitor in any inferior court in Scotland, such articles are not to be charged with more than one duty of sixty pounds.

And in certain cases may be stamped with additional duty.] (2.) Where any person has become bound by duly stamped articles in any inferior court in Scotland, such articles shall, on payment of such further amount of duty as, together with the amount previously paid thereon, will make up the sum of sixty pounds, be impressed with a stamp denoting the payment of such further duty, and shall thereupon be considered to be sufficiently stamped for entitling such person to admission as a writer to the signet, or as a solicitor, agent, or attorney in the Court of Session, Justiciary, or Commission of Teinds.

43. *Terms upon which articles may be stamped after execution.]* Save as hereinbefore provided, articles of clerkship are not to be stamped at any time after the expiration of six months from the date thereof, except upon payment of penalties as follows:—

- (1.) If brought to be stamped within one year after date, ten pounds :
- (2.) If so brought after one year, and within five years after date—
For every complete year, and also for any additional part of a year elapsed since the date, ten pounds :
- (3.) In every other case, fifty pounds.

44. *Distinct account to be kept of £14 payable to King's Inns, Dublin.*] The sum of £14, part of the duty payable on articles of clerkship in Ireland, shall be carried to a separate account, and paid over by the Receiver General of Inland Revenue to the treasurer of the society of King's Inns, Dublin, to be applied by him according to the directions of the said society.

As to bank notes, bills of exchange, and promissory notes.

45. *Interpretation of terms.*] The term "banker" means and includes any corporation, society, partnership, and persons, and every individual person carrying on the business of banking in the United Kingdom.

The term "bank note" means and includes—

- (1.) Any bill of exchange or promissory note issued by any banker, other than the governor and company of the Bank of England, for the payment of money not exceeding one hundred pounds to the bearer on demand :
- (2.) Any bill of exchange or promissory note so issued which entitles or is intended to entitle the bearer or holder thereof, without indorsement, or without any further or other indorsement than may be thereon at the time of the issuing thereof, to the payment of money not exceeding one hundred pounds on demand, whether the same be so expressed or not, and in whatever form, and by whomsoever such bill or note is drawn or made.

46. *Bank notes may be re-issued.*] A bank note issued duly stamped, or issued unstamped by a banker duly licensed or otherwise authorised to issue unstamped bank notes, may be from time to time re-issued without being liable to any stamp duty by reason of such re-issuing.

47. *Penalty for issuing an unstamped bank note, £50, for receiving, £20.*] (1.) If any banker, not being duly licensed or otherwise authorised to issue unstamped bank notes, issues, or causes or permits to be issued, any bank note not being duly stamped, he shall forfeit the sum of £50.

(2.) If any person receives or takes any such bank note in payment or as a security, knowing the same to have been issued unstamped contrary to law, he shall forfeit the sum of £20.

48. *Interpretation of term "bill of exchange."*] (1.) The term "bill of exchange" for the purposes of this Act includes also draft, order, cheque, and letter of credit, and any document or writing (except a bank note) entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money therein mentioned.

(2.) An order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, is to be deemed for the purposes of this Act a bill of exchange for the payment of money on demand.

(3.) An order for the payment of any sum of money weekly, monthly, or at any other stated periods, and also any order for the payment by any person at any time after the date thereof of any sum of money, and sent or delivered by the person making the same to the person by whom the payment is to be made, and not to the person to whom the payment is to be made, or to any person on his behalf, is to be deemed for the purposes of this Act a bill of exchange for the payment of money on demand.

49. *Interpretation of term "promissory note."*] (1.) The term "promissory note" means and includes any document or writing (except a bank note) containing a promise to pay any sum of money.

(2.) A note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or

may not be performed or happen, is to be deemed for the purposes of this Act a promissory note for the said sum of money.

50. *The fixed duty may be denoted by adhesive stamp.*] The fixed duty of one penny on a bill of exchange for the payment of money on demand may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the bill is signed before he delivers it out of his hands, custody, or power.

51. *Ad valorem duties to be denoted in certain cases by adhesive stamps.*] (1.) The ad valorem duties upon bills of exchange and promissory notes drawn or made out of the United Kingdom are to be denoted by adhesive stamps.

(2.) Every person into whose hands any such bill or note comes in the United Kingdom before it is stamped shall, before he presents for payment, or indorses, transfers, or in any manner negotiates, or pays such bill or note, affix thereto a proper adhesive stamp or proper adhesive stamps of sufficient amount, and cancel every stamp so affixed thereto.

Provisoes for the protection of bona fide holders; not to relieve any other person.] (3.) Provided as follows:—

- (a.) If at the time when any such bill or note comes into the hands of any bona fide holder thereof there is affixed thereto an adhesive stamp effectually obliterated, and purporting and appearing to be duly cancelled, such stamp shall, so far as relates to such holder, be deemed to be duly cancelled, although it may not appear to have been so affixed or cancelled by the proper person.
- (b.) If at the time when any such bill or note comes into the hands of any bona fide holder thereof there is affixed thereto an adhesive stamp not duly cancelled, it shall be competent for such holder to cancel such stamp as if he were the person by whom it was affixed, and upon his so doing such bill or note shall be deemed duly stamped, and as valid and available as if the stamp had been duly cancelled by the person by whom it was affixed.
- (4.) But neither of the foregoing provisoes is to relieve any person from any penalty incurred by him for not cancelling any adhesive stamp.

52. *Bills and notes purporting to be drawn, &c. abroad, to be deemed to have been so drawn, &c.*] A bill of exchange or promissory note purporting to be drawn or made out of the United Kingdom is, for the purposes of this Act, to be deemed to have been so drawn or made, although it may in fact have been drawn or made within the United Kingdom.

53. *Terms upon which bills and notes may be stamped after execution.*] (1.) Where a bill of exchange or promissory note has been written or material bearing an impressed stamp of sufficient amount but of improper denomination, it may be stamped with the proper stamp on payment of the duty, and a penalty of forty shillings if the bill or note be not then payable according to its tenor, and of ten pounds if the same be so payable.

(2.) Except as aforesaid, no bill of exchange or promissory note shall be stamped with an impressed stamp after the execution thereof.

54. *Penalty for issuing, &c., any unstamped bill or note, £10; and the bill or note to be unavailable.*] (1.) Every person who issues, indorses, transfers, negotiates, presents for payment, or pays any bill of exchange or promissory note liable to duty and not being duly stamped shall forfeit the sum of ten pounds, and the person who takes or receives from any other person any such bill or note not being duly stamped either in payment or as a security, or by purchase or otherwise, shall not be entitled to recover thereon, or to make the same available for any purpose whatever.

(2.) *Proviso as to the fixed duty; not to relieve from penalty.*] Provided that if any bill of exchange for the payment of money on demand, liable only to the duty of one penny, is presented for payment unstamped, the person to whom it is so presented may affix thereto a proper adhesive stamp, and cancel the same, as if he had been the drawer of the bill, and may, upon so doing, pay the sum in the said bill mentioned, and charge the duty in account against the person by whom the bill was drawn, or deduct such duty from the said sum, and such bill is, so far as respects the duty, to be deemed good and valid.

(3.) But the foregoing proviso is not to relieve any person from any penalty he may have incurred in relation to such bill.

55. *One bill only out of a set need be stamped.*] When a bill of exchange is drawn in a set according to the custom of merchants, and one of the set is duly stamped, the other or others of the set shall, unless issued or in some manner negotiated apart from such duly stamped bill, be exempt from duty; and upon proof of the loss or destruction of a duly stamped bill forming one of a set, any other bill of the set which has not been issued or in any manner negotiated apart from such lost or destroyed bill may, although un-stamped, be admitted in evidence to prove the contents of such lost or destroyed bill.

As to bills of lading.

56. *Bills of lading.*] (1.) A bill of lading is not to be stamped after the execution thereof.

(2.) Every person who makes or executes any bill of lading not duly stamped shall forfeit the sum of fifty pounds.

As to bills of sale.

57. *Bills of sale.*] A copy of a bill of sale is not to be filed in any court, unless the original, duly stamped, is produced to the proper officer.

As to bonds given in relation to the duties of customs and excise.

58. *Bonds not to include goods, &c., belonging to more than one person. Penalty £50.*] If any person required by any Act of Parliament, or by the direction of the commissioners of customs or inland revenue, or any of their officers, to give or enter into any bond for or in respect of any duties of customs or excise, or for preventing frauds or evasions thereof, or for any matter or thing relating thereto, includes in one and the same bond any goods or things belonging to more persons than one, not being co-partners or joint tenants, or tenants in common, he shall for every such offence forfeit the sum of fifty pounds.

As to the certificates of attorneys and others.

59. *Penalty for practising without a certificate, or not making true statement, on application for certificate, £50, and incapacity to recover fees, &c.*] (1.) Every person who in any part of the United Kingdom—

(a.) Directly or indirectly acts or practises in any court as an attorney, solicitor, proctor, writer to the signet, agent, or procurator, or as a notary public, without having in force at the time a duly stamped certificate according to the provisions hereinafter contained and referred to;

(b.) On applying for any such certificate does not truly specify the facts and circumstances upon which the amount of duty chargeable upon his certificate depends;

shall forfeit the sum of fifty pounds, and shall be incapable of maintaining any action or suit for the recovery of any fee, reward, or disbursement, on account of or in relation to any act or proceeding done or taken by him in any such capacity.

(2.) Any person in whose name, either alone or together with any other person, any proceeding is taken in any court, shall, unless the proceeding is set aside by the court as irregular, or unless the contrary is otherwise satisfactorily proved, be deemed to have acted in such proceeding.

60. *Penalty on unqualified persons preparing instruments, £50.*] Every person who (not being a serjeant-at-law, barrister, or a duly certified attorney, solicitor, proctor, notary public, writer to the signet, agent, procurator, conveyancer, special pleader, or draftsman in equity) either directly or indirectly, for or in expectation of any fee, gain, or reward, draws or prepares any instrument relating to real or personal estate, or any proceedings in law or equity, shall forfeit the sum of fifty pounds.

Proviso.] Provided as follows:—

(1.) This section does not extend to

(a.) Any public officer drawing or preparing instruments in the course of his duty;

(b.) Any person employed merely to engross any instrument or proceedings.

(2.) The term "instrument" in this section does not include—

(a.) Wills or other testamentary instruments;

(b.) Agreements under hand only;

(c.) Letters or powers of attorney;

(d.) Transfers of stock containing no trust or limitation thereof.

61. *One certificate only in England, Scotland, or Ireland.*] It shall not be necessary for any person to take out in England, Scotland, or Ireland more than one certificate for any one year.

62. *Certificates of attorneys and others in England and Ireland to be taken out and stamped according to the provisions of Acts relating thereto.*] The certificates of attorneys, solicitors, and proctors in England and Ireland are to be applied for, taken out, issued, dated, and stamped—

(1.) In England, in accordance with the provisions in that behalf of an Act of the sixth and seventh years of Her Majesty, intituled "An Act for consolidating and amending several of the laws relating to attorneys and solicitors," and of an Act of the twenty-third and twenty-fourth years of Her Majesty, intituled "An Act to amend the laws relating to attorneys and solicitors and certificated conveyancers."

(2.) In Ireland, in accordance with the provisions in that behalf of "The Attorneys and Solicitors Act, Ireland, 1866."

63. *Other certificates how to be taken out and stamped.*] Every person required to take out a certificate to authorise him to practise:—

(1.) In Scotland, as a writer to the signet, solicitor, agent, or procurator;

(2.) In England or Ireland, as a conveyancer, special pleader, or draftsman in equity;

(3.) In any part of the United Kingdom, as a notary public;

shall yearly and every year, before he does any act in any of the aforesaid capacities, deliver to the commissioners, or to their proper officer, in such manner and form as they shall direct, a note in writing stating his full name and the place where he carries on his business, and thereupon, and upon payment of the proper duty, shall be entitled to such certificate, which is to be duly stamped and issued to him by the commissioners.

64. *Certain certificates to be dated and to expire as in this section mentioned.*] The certificates in this section specified are to be dated and to expire at the times hereinafter in that behalf mentioned, that is to say:—

(1.) The certificates of writers to the signet, solicitors, agents, attorneys, procurators, and notaries public in Scotland, and of conveyancers, special pleaders, and draftsmen in equity in England, are to be dated, if taken out between the thirty-first of October and the first of December, on the first of November, and if taken out at any other time, on the day on which they are issued, and are in all cases to expire on the thirty-first of October next after their date.

(2.) The certificates of notaries public in England are to be dated, if taken out between the fifteenth of November and the sixteenth of December, on the sixteenth of November, and if taken out at any other time, on the day on which they are issued, and are in all cases to expire on the fifteenth of November next after their date.

(3.) The certificates of conveyancers, special pleaders, draftsmen in equity, and notaries public in Ireland, are to be dated on the day on which they are issued, and are to expire, as to the certificates of notaries public, on the twenty-fifth day of March next after their date, and in all other cases on the sixth day of January next after their date.

As to the certificate of registration of a design.

65. *Duty to be denoted by an appropriated stamp.*] The duty of five pounds upon the certificate of the registration of a design is to be denoted by a stamp to be specially appropriated for expressing and denoting the said duty.

As to charter-parties.

66. *Duty may be denoted by an adhesive stamp.*] The duty upon an instrument chargeable with duty as a charter-party, may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is last executed, or by whose execution it is completed as a binding contract.

67. *As to charter-parties executed abroad.*] Where any document chargeable with duty as a charter-party, and not being duly stamped, is first executed out of the United

Kingdom, any party thereto may, within ten days, after it has been first received in the United Kingdom, and before it has been executed by any person in the United Kingdom, affix thereto an adhesive stamp denoting the duty chargeable thereon, and at the same time cancel such adhesive stamp, and the instrument with an adhesive stamp thereon so affixed and cancelled shall be deemed duly stamped.

68. *Terms upon which charter-parties may be stamped after execution.*] An executed instrument chargeable with duty as a charter-party, and not being duly stamped, may be stamped with an impressed stamp upon the following terms, that is to say:—

- (1.) Within seven days after the first execution thereof, on payment of the duty and a penalty of four shillings and sixpence;
- (2.) After seven days, but within one month after the first execution thereof, on payment of the duty and a penalty of ten pounds; and shall not in any other case be stamped with an impressed stamp.

As to contract notes.

69. *Duty may be denoted by adhesive stamp. Penalty for making an unstamp'd note, £20; and no brokerage, &c., recoverable.*] (1.) The duty on a contract note may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the note is first executed.

(2.) Every person who makes or executes any contract note chargeable with duty, and not being duly stamped, shall forfeit the sum of twenty pounds.

(3.) No broker, agent, or other person shall have any legal claim to any charge for brokerage, commission, or agency, with reference to the sale or purchase of any stock or marketable security of the value of five pounds or upwards mentioned or referred to in any contract note, unless such note is duly stamped.

As to conveyances on sale.

70. *Interpretation of term.*] The term "conveyance on sale" includes every instrument, and every decree or order of any court or of any commissioners, whereby any property upon the sale thereof is legally or equitably transferred to or vested in the purchaser, or any other person on his behalf or by his direction.

71. *How ad valorem duty to be calculated in respect of stock and securities.*] (1.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any stock or marketable security, such conveyance is to be charged with ad valorem duty in respect of the value of such stock or security.

(2.) Where the consideration, or any part of the consideration, for a conveyance of sale consists of any security not being a marketable security, such conveyance is to be charged with ad valorem duty in respect of the amount due on the day of the date thereof for principal and interest upon such security.

72. *How consideration consisting of periodical payments to be charged.*] (1.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically for a definite period, so that the total amount to be paid can be previously ascertained, such conveyance is to be charged in respect of such consideration with ad valorem duty on such total amount.

(2.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically in perpetuity, or for any indefinite period not terminable with life, such conveyance is to be charged in respect of such consideration with ad valorem duty on the total amount which will or may, according to the terms of sale, be payable during the period of twenty years next after the day of the date of such instrument.

(3.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically during any life or lives, such conveyance is to be charged in respect of such consideration with ad valorem duty on the amount which will or may, according to the terms of sale, be payable during the period of twelve years next after the day of the date of such instrument.

(4.) Provided that no conveyance on sale chargeable with ad valorem duty in respect of any periodical payments, and containing also provision for securing such periodical payments, is to be charged with any duty whatsoever in respect of such provision, and no separate instrument made in any such case for securing such periodical pay-

ments is to be charged with any higher duty than ten shillings.

73. *How conveyance in consideration of a debt, or subject to future payment, &c., to be charged.*] Where any property is conveyed to any person in consideration wholly or in part of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, such debt, money, or stock is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the conveyance is chargeable with ad valorem duty.

74. *Direction as to duty in certain cases.*] (1.) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts or parcels by different instruments, the consideration is to be apportioned in such manner as the parties think fit, so that a distinct consideration for each separate part or parcel is set forth in the conveyance relating thereto, and such conveyance is to be charged with ad valorem duty in respect of such distinct consideration.

(2.) Where property contracted to be purchased for one consideration for the whole by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts or parcels by separate instruments to the persons by or for whom the same was purchased for distinct parts of the consideration, the conveyance of each separate part or parcel is to be charged with ad valorem duty in respect of the distinct part of the consideration therein specified.

(3.) Where a person having contracted for the purchase of any property but not having obtained a conveyance thereof contracts to sell the same to any other person, and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance is to be charged with ad valorem duty in respect of the consideration for the sale by the original purchaser to the sub-purchaser.

(4.) Where a person having contracted for the purchase of any property but not having obtained a conveyance contracts to sell the whole, or any parts or parts thereof, to any other person or persons, and the property is in consequence conveyed by the original seller to different persons in parts or parcels, the conveyance of each part or parcel is to be charged with ad valorem duty, in respect only of the consideration moving from the sub-purchaser thereof, without regard to the amount or value of the original consideration.

(5.) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with ad valorem duty in respect of the consideration moving from him, and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be exempt from the said ad valorem duty, and chargeable only with the duty to which it may be liable under any general description, but such last mentioned duty shall not exceed the ad valorem duty.

75. *As to the sale of an annuity or right not before in existence.*] Where upon the sale of any annuity or other right not before in existence such annuity or other right is not created by actual grant or conveyance, but is only secured by bond, warrant of attorney, covenant, contract or otherwise, the bond or other instrument, or some one of such instruments, if there be more than one, is to be charged with the same duty as an actual grant or conveyance, and is for all purposes of this Act to be deemed an instrument of conveyance on sale.

76. *Where several instruments, the principal instrument only to be charged with ad valorem duty.*] Where there are several instruments of conveyance for completing the purchaser's title to the property sold, the principal instrument of conveyance only is to be charged with ad valorem duty, and the other instruments are to be respectively charged with such other duty as they may be liable to, but such last mentioned duty shall not exceed the ad valorem duty payable in respect of the principal instrument.

77. *Principal instrument how to be ascertained.*] (1.) In the cases below specified the principal instrument is to be ascertained in the following manner:—

(a.) Where any copyhold or customary estate is conveyed by a deed, no surrender being necessary, the deed is to be deemed the principal instrument:

(b.) In other cases of copyhold or customary estates, the surrender or grant, if made out of court, or the memorandum thereof, and the copy of court roll of the surrender or grant, if made in court, shall be deemed the principal instrument :

(c.) Where in Scotland there is a disposition or assignation executed by the seller, and any other instrument is executed for completing the title, the disposition or assignation is to be deemed the principal instrument.

(2.) In any other case the parties may determine for themselves which of several instruments is to be deemed the principal instrument, and may pay the ad valorem duty thereon accordingly.

As to conveyances on any occasion except sale or mortgage.

78. *What is to be deemed a conveyance on any occasion, not being a sale or mortgage.*] Every instrument, and every decree or order of any court, or of any commissioners, whereby any property on any occasion, except a sale or mortgage, is transferred to or vested in any person, is chargeable with duty as a conveyance or transfer of property.

Provided that a conveyance of transfer made for effectuating the appointment of a new trustee is not to be charged with any higher duty than ten shillings.

As to attested copies and extracts.

79. *Certain copies and extracts may be stamped without penalty within fourteen days after attestation.*] An attested or otherwise authenticated copy or extract of or from—

(1.) An instrument chargeable with any duty ;
 (2.) An original will, testament, or codicil ;
 (3.) The probate or probate copy of a will or codicil ;
 (4.) Letters of administration or a confirmation of a testament ;

may be stamped at any time within fourteen days after the date of the attestation or authentication, on payment of the duty only without any penalty.

As to certified copies and extracts from registers of births, &c.

80. *By whom duty to be paid ; may be denoted by adhesive stamp.*] The duty upon a certified copy or extract of or from any register of births, baptisms, marriages, deaths, or burials is to be paid by the person requiring the copy or extract, and may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the copy or extract is signed before he delivers the same out of his hands, custody, or power.

As to copyhold and customary estates.

81. *Payment of duty to be certified.*] (1.) The copy of court roll of a surrender or grant, made out of court shall not be admissible or available as evidence of the surrender or grant, unless the surrender or grant, or the memorandum thereof, is duly stamped, of which fact the certificate of the steward of the manor on the face of such copy shall be sufficient evidence.

(2.) The entry upon the court rolls of a surrender or grant shall not be admissible or available as evidence of the surrender or grant unless the surrender or grant, if made out of court, or the memorandum thereof, or the copy of court roll of the surrender or grant, if made in court, is duly stamped, of which fact the certificate of the steward of the manor in the margin of such entry shall be sufficient evidence.

82. *Not to be charged more than once.*] No instrument is to be charged more than once with duty by reason of relating to several distinct tenements, in respect whereof several fines or fees are due to the lord or steward of the manor.

83. *Facts and circumstances affecting duty, how to be stated.*] (1.) All the facts and circumstances affecting the liability to ad valorem duty of the copy of court roll of any surrender or grant made in court, or the amount of ad valorem duty with which any such copy of court roll is chargeable, are to be fully and truly stated in a note to be delivered to the steward of the manor before the surrender or grant is made.

Penalty £50.] (2.) Every person who, with intent to defraud her Majesty, her heirs or successors—

(a.) Makes in court any surrender before such a note as aforesaid has been delivered to the steward of the manor ;
 (b.) Being employed or concerned in or about the preparation of any such note as aforesaid, neglects or omits

fully and truly to state therein all the above-mentioned facts and circumstances ; shall forfeit the sum of £50.

84. *Steward to refuse to perform certain acts.*] The steward of every manor shall refuse—

(1.) To accept in court any surrender, or to make in court any grant, until such a note as is required by the last preceding section has been delivered to him ;

(2.) To enter on the court rolls, or accept any presentment of, or admit any person to be tenant under or by virtue of any surrender or grant made out of court, or any deed which is not duly stamped.

Penalty for not refusing, £50.] And in any case in which he does not so refuse shall forfeit the sum of £50.

85. *Steward to make out duly stamped copies. Penalty for neglect, £50 ; and to be liable for the duty.*] The steward of every manor shall, within four months from the day on which any surrender or grant is made in court, make out a duly stamped copy of court roll of such surrender or grant, and have the same ready for delivery to the person entitled thereto, and if he neglects so to do shall forfeit the sum of £50 ; and the duty payable in respect of such copy of court roll shall be a debt to her Majesty, her heirs or successors, from such steward, whether he shall have received it or not, and shall be recoverable by the summary means provided for the recovery of duties received and not applied, and if he has not received the duty the same shall also be a debt to her Majesty, her heirs or successors, from the party entitled to such copy, and recoverable from him in manner aforesaid.

86. *Steward may refuse to proceed except on payment of his fees and duty.*] The steward of any manor may, before he accepts in court any surrender or makes in court any grant, demand and insist on the payment of his lawful fees in relation to the surrender or grant, together with the duty payable on the copy of court roll thereof, and may refuse to proceed in any such matter or to deliver such copy of court roll to any person until such fees and duty are paid.

As to delivery orders and warrants for goods.

87. *Interpretation of term.*] The term "delivery order" means any document or writing entitling or intended to entitle any person therein named, or his assigns, or the holder thereof, to the delivery of any goods, wares, or merchandise of the value of forty shillings or upwards lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such document or writing being signed by or on behalf of the owner of such goods, wares, or merchandise, upon the sale or the transfer of the property therein.

88. *Interpretation of term.*] The term "warrant for goods" means any document or writing, being evidence of the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods, wares, or merchandise lying in any warehouse or dock, or upon any wharf, and signed or certified by or on behalf of the person having the custody of such goods, wares, or merchandise.

89. *Duty may be denoted by an adhesive stamp.*] The duty upon a delivery order or warrant for goods may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is made, executed or issued.

90. *By whom duty on delivery order to be paid.*] The duty upon a delivery order is, in the absence of any special stipulation, to be paid by the person to whom the order is given, and any person from whom a delivery order chargeable with duty is required may refuse to give it, unless or until the amount of the duty is paid to him.

91. *What documents to be chargeable as delivery orders. Penalty for making false statements ; or signing, &c. ; or making use of any order not duly stamped, or containing any false statement, £20.*] (1.) Every document or writing in the nature of a delivery order is to be deemed to have been given upon a sale of, or transfer of the property in, goods, wares, or merchandise of the value of forty shillings or upwards, unless the contrary is expressly stated therein ; and every person who—

(a.) Untruly states, or knowingly or willingly allows it to be untruly stated, in any such document or writing, either that the transaction to which it relates is not a sale or transfer of property, or that the goods, wares, or merchandise to which it relates are not of the value of forty shillings ;

(b.) Makes, signs, or issues any delivery order chargeable with duty, but not being duly stamped;
(c.) Knowingly or wilfully, either himself, or by his servant or any other person, procures or requires or authorises the delivery of, or delivers, any goods, wares, or merchandise mentioned in any delivery order which is not duly stamped, or which contains to his knowledge any false statement with reference either to the nature of the transaction, or the value of the goods, wares, or merchandise; shall forfeit the sum of twenty pounds.

(2.) But no delivery order is, by reason of the same being unstamped, to be deemed invalid in the hands of the person having the custody of, or delivering out, the goods, wares, or merchandise therein mentioned, unless such person is proved to have been party or privy to some fraud on the revenue in relation thereto.

92. *Penalty for making, &c., unstamped warrant, £20.]* Every person who makes, executes, or issues, or receives or takes by way of security or indemnity, any warrant for goods not being duly stamped, shall forfeit the sum of twenty pounds.

As to duplicates and counterparts.

93. *When duly stamped.]* The duplicate or counterpart of an instrument chargeable with duty (except the counterpart of an instrument chargeable as a lease, such counterpart not being executed by or on behalf of any lessor or grantor) is not to be deemed duly stamped unless it is stamped as an original instrument, or unless it appears by some stamp impressed thereon that the full and proper duty has been paid upon the original instrument of which it is the duplicate or counterpart.

As to exchange or excambion and partition or division.

94. *As to exchange or excambion, &c.]* Where, upon the exchange of any real or heritable property for any other real or heritable property, or upon the partition or division of any real or heritable property, any consideration exceeding in amount or value £100 is paid or given, for equality, the principal or only instrument whereby such exchange or partition or division is effected is to be charged with the same ad valorem duty as a conveyance on sale for such consideration, and with such duty only; and where in any such case there are several instruments for completing the title of either party, the principal instrument is to be ascertained, and the other instruments are to be charged with duty according to the provisions of the seventy-sixth and seventy-seventh sections of this Act.

As to grants of honours and dignities.

95. *How to be charged in certain cases.]* (1.) Where two or more honours or dignities are granted by the same letters patent to the same person, such letters patent are to be charged with the proper duty in respect of the highest in point of rank only.

(2.) Where any honour or dignity, honours or dignities, is or are granted to any person or persons in remainder, the letters patent are to be charged with such further duty in respect of every remainder as would have been payable for an original grant of the same honour or dignity, honours or dignities.

As to leases, &c.

96. *Agreements for not more than thirty-five years to be charged as leases.]* (1.) An agreement for a lease or tack, or with respect to the letting of any lands, tenements, or heritable subjects for any term not exceeding thirty-five years, is to be charged with the same duty as if it were an actual lease or tack made for the term and consideration mentioned in the agreement.

(2.) A lease or tack made subsequently to, and in conformity with, such an agreement duly stamped, is to be charged with the duty of sixpence only.

97. *Leases how to be charged.]* (1.) Where the consideration, or any part of the consideration, for which any lease or tack is granted or agreed to be granted, does not consist of money, but consists of any produce or other goods, the value of such produce or goods is to be deemed a consideration in respect of which the lease or tack or agreement is chargeable with ad valorem duty, and where it is stipulated that the value of such produce or goods is to amount at least to, or is not to exceed, a given sum, or where the lessee is specially charged with, or has the option of paying after, any permanent rate of conversion, the

value of such produce or goods is, for the purpose of assessing the ad valorem duty, to be estimated at such given sum, or according to such permanent rate.

(2.) *Effect of statement of value.]* A lease or tack or agreement made either entirely or partially for any such consideration, if it contains a statement of the value of such consideration, and is stamped in accordance with such statement, is, so far as regards the subject matter of such statement, to be deemed duly stamped, unless or until it is otherwise shown that such statement is incorrect, and that it is in fact not duly stamped.

98. *Directions as to duty in certain cases.]* (1.) A lease or tack, or agreement for a lease or tack, or with respect to any letting, is not to be charged with any duty in respect of any penal rent, or increased rent in the nature of a penal rent, thereby reserved or agreed to be reserved or made payable, or by reason of being made in consideration of the surrender or abandonment of any existing lease, tack or agreement of or relating to the same subject matter.

(2.) No lease made for any consideration or considerations in respect whereof it is chargeable with ad valorem duty, and in further consideration either of a covenant by the lessee to make, or of his having previously made, any substantial improvement of or addition to the property demised to him, or of any covenant relating to the matter of the lease, is to be charged with any duty in respect of such further consideration.

(3.) No lease for a life or lives not exceeding three, or for a term of years determinable with a life or lives not exceeding three, and no lease for a term absolute not exceeding twenty-one years, granted by an ecclesiastical corporation aggregate or sole, is to be charged with any higher duty than thirty-five shillings.

(4.) No lease for a definite term exceeding thirty-five years granted under the Trinity College (Dublin) Leasing and Perpetuity Act, 1851, is to be charged with any higher duty than would have been chargeable thereon if it had been a lease for a definite term not exceeding thirty-five years.

(5.) No lease or tack, or agreement for a lease or tack, in Scotland, of any dwelling-house or tenement, or part of a dwelling-house or tenement, for any definite term not exceeding a year, at a rent not exceeding £10 per annum, is to be charged with any higher duty than one penny.

99. *Duty in certain cases may be denoted by adhesive stamp.]* The duty upon an instrument chargeable with duty as a lease or tack for any definite term less than a year of—

(1.) Any dwelling-house or tenement, or part of a dwelling-house or tenement, at a rent not exceeding the rate of £10 per annum;

(2.) Any furnished dwelling-house or apartments;

Or upon the duplicate or counterpart of any such instrument, may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is first executed.

100. *Penalty in certain cases.]* (1.) Every person who executes, or prepares or is employed in preparing, any instrument upon which the duty may, under the provisions of the last preceding section, be denoted by an adhesive stamp, and which is not, at or before the execution thereof, duly stamped, shall forfeit the sum of £5.

Proviso.] (2.) Provided that nothing in this section contained shall render any person liable to the said penalty of £5 in respect of any letters or correspondence.

As to letters of allotment, scrip certificates, and scrip.

101. *Penalty for executing, &c., not duly stamped, £20.]* Every person who executes, grants, issues, or delivers out any document chargeable with duty as a letter of allotment, letter of renunciation, or scrip certificate, or as scrip, before the same is duly stamped, shall forfeit the sum of £20.

As to letters or powers of attorney and voting papers.

102. *Proxies and voting papers confined to one meeting.]* (1.) Every letter or power of attorney for the purpose of appointing a proxy to vote at a meeting, and every voting paper, hereby respectively charged with the duty of one penny, is to specify the day upon which the meeting at which it is intended to be used is to be held, and is to be available only at the meeting so specified or any adjournment thereof.

Duty may be denoted by adhesive stamp.] (2.) The said duty of one penny may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is executed.

Penalty for executing, &c., not duly stamped, £50; and vote void; may not be stamped after execution.] (3.) Every person who makes or executes, or votes or attempts to vote, under or by means of any such letter or power of attorney or voting paper, not being duly stamped, shall forfeit the sum of £50. (4.) Every vote given or tendered under the authority or by means of any such letter or power of attorney or voting paper, not being duly stamped, shall be absolutely null and void.

(5.) And no such letter or power of attorney or voting paper shall on any pretence whatever be stamped after the execution thereof by any person.

103. *Power relating to Government stocks, how to be charged.]* A letter or power of attorney for the sale, transfer, or acceptance of any of the Government or Parliamentary stocks or funds, duly stamped for that purpose, is not to be charged with any further duty by reason of containing an authority for the receipt of the dividends on the same stocks or funds.

104. *Order to pay dividends not power of attorney.]* A writing under hand only containing an order, request, or direction from the owner or proprietor of any stock to any company or to any officer of any company, or to any banker, to pay the dividends or interest arising from such stock to any person therein named, is not chargeable with duty as a letter or power of attorney.

As to mortgages, &c.

105. *Interpretation of terms.]* The term "mortgage" means a security by way of mortgage for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable, or for the repayment of money to be thereafter lent, advanced, or paid, or which may become due upon an account current, together with any sum already advanced or due, or without, as the case may be;

And includes—

Conditional surrender by way of mortgage, further charge, wadset, and heritable bond, disposition, assignation, or tack in security, and all to a reversion of or affecting any lands, estate, or property, real or personal, heritable or moveable, whatsoever:

Also any deed containing an obligation to infest any person in an annual rent, or in lands or other heritable subjects in Scotland, under a clause of reversion, but without any personal bond or obligation therein contained for payment of the money or stock intended to be secured:

Also any conveyance of any lands, estate, or property whatsoever in trust to be sold or otherwise converted into money, intended only as a security, and redeemable before the sale or other disposal thereof, either by express stipulation or otherwise, except where such conveyance is made for the benefit of creditors generally or for the benefit of creditors specified who accept the provision made for payment of their debts in full satisfaction thereof, or who exceed five in number: Also any defeasance, letter of reversion, back bond declaration, or other deed or writing for defeating or making redeemable or explaining or qualifying any conveyance, disposition, assignation, or tack of any lands, estate, or property whatsoever, apparently, absolute but intended only as a security:

Also any agreement, contract, or bond accompanied with a deposit of title deeds for making a mortgage, wadset, or any such other security or conveyance as aforesaid of any lands, estate, or property comprised in such title deeds, or for pledging or charging the same as a security:

And also any deed whereby a real burden is declared or created on lands or heritable subjects in Scotland.

106. *Security for stock, how to be charged.]* A security for the transfer or retransfer of any stock is to be charged with the same duty as a similar security for a sum of money equal in amount to the value of such stock; and a transfer, assignment, disposition, or assignation of any such security, and a reconveyance, release, discharge, surrender, resurrender, warrant to vacate, or renunciation of any such security, shall be charged with the same duty as an instrument of the same description relating to a sum of money equal in amount to the value of such stock.

107. *Security for future advances, how to be charged.]* (1.) A security for the payment or repayment of money to be

lent, advanced, or paid, or which may become due upon an account current, either with or without money previously due, is to be charged, where the total amount secured or to be ultimately recoverable is in any way limited with the same duty as a security for the amount so limited.

(2.) Where such total amount is unlimited, the security is to be available for such an amount only as the ad valorem duty impressed thereon extends to cover.

Proviso.] (3.) Provided that no money to be advanced for the insurance of any property comprised in any such security against damage by fire, or for keeping up any policy of life insurance comprised in such security, or for effecting in lieu thereof any new policy, or for the renewal of any grant or lease of any property comprised in such security upon the dropping of any life wherein such property is held, shall be reckoned as forming part of the amount in respect whereof the security is chargeable with ad valorem duty.

108. *Security for repayment by periodical payments, how to be charged.]* A security for the payment of any rentcharge, annuity, or periodical payments, by way of repayment, or in satisfaction or discharge of any loan, advance, or payment intended to be so repaid, satisfied, or discharged, is to be charged with the same duty as a similar security for the payment of the sum of money so lent, advanced, or paid.

109. *As to transfers and further charges.]* No transfer of a duly stamped security, and no security by way of further charge for money or stock, added to money or stock previously secured by a duly stamped instrument, is to be charged with any duty by reason of containing any further or additional security for the money or stock transferred or previously secured, or the interest or dividends thereof, or any new covenant, proviso, power, stipulation, or agreement in relation thereto, or any further assurance of the property comprised in the transferred or previous security.

110. *As to copyholds.]* (1.) Where any copyhold or customary lands or hereditaments are mortgaged alone by means of a conditional surrender or grant, the ad valorem duty is to be charged on the surrender or grant, if made out of court, or the memorandum thereof, and on the copy of court roll of the surrender or grant, if made in court.

(2.) Where any copyhold or customary lands or hereditaments are mortgaged, together with other property, for securing the same money or the same stock, the ad valorem duty is to be charged on the instrument relating to the other property, and the surrender or grant, or the memorandum thereof, or the copy of court roll of the surrender or grant, as the case may be, is to be charged with duty as if the surrender or grant were not made upon a mortgage, but such last mentioned duty shall not exceed the said ad valorem duty.

111. *As to mortgage with conveyance of equity of redemption.]* An instrument chargeable with ad valorem duty as a mortgage is not to be charged with any other duty by reason of the equity of redemption in the mortgaged property being thereby conveyed or limited in any other manner than to, or in trust for, or according to the direction of, a purchaser.

112. *Exemption from stamp duty in favour of benefit building societies restricted.]* The exemption from stamp duty conferred by the Act of the 6th and 7th years of King William the Fourth, chapter 32, for the regulation of benefit building societies, shall not extend to any mortgage to be made after the passing of this Act, except a mortgage by a member of a benefit building society for securing the repayment to the society of money not exceeding £500.

113. *Interpretation of term "foreign security."]* The term "foreign security" means and includes every security for money by or on behalf of any foreign or colonial state, government, municipal body, corporation, or company, bearing date or signed after the 3rd day of June 1862 (except an instrument chargeable with duty as a bill of exchange or promissory note).

- (1.) Which is made or issued in the United Kingdom;
- (2.) Upon which any interest is payable in the United Kingdom;
- (3.) Which is assigned, transferred, or in any manner negotiated in the United Kingdom.

114. *Penalty for issuing, &c., foreign security not duly stamped, £20.]* Every person who in the United Kingdom makes, issues, assigns, transfers, or negotiates, or pays any interest

upon any foreign security not being duly stamped, shall forfeit the sum of £20.

115. *Foreign securities may be stamped without penalty.* The commissioners may at any time, without reference to the date thereof, allow any foreign security to be stamped without the payment of any penalty, upon being satisfied, in any manner that they may think proper, that it was not made or issued, and has not been transferred, assigned, or negotiated within the United Kingdom, and that no interest has been paid thereon within the United Kingdom.

As to notarial acts.

116. *Duty may be denoted by adhesive stamp.* The duty upon a notarial act, and upon the protest by a notary public of a bill of exchange or promissory note, may be denoted by an adhesive stamp, which is to be cancelled by the notary.

As to policies of insurance.

117. *Interpretation of terms, &c.* (1.) The term "insurance" includes assurance, and the term "policy" includes every writing whereby any contract of insurance is made, or agreed to be made, or is evidenced; and, except as hereinafter mentioned, this Act does not apply to policies of sea insurance.

(2.) A policy of sea insurance made or executed out of, but being in any manner enforceable within the United Kingdom, is to be charged with duty under the Act of the 30th year of her Majesty's reign, chapter 23, and may be stamped at any time within two months after it has been first received in the United Kingdom on payment of the duty only.

118. *Penalty for not making out policy, or making, &c., any policy not duly stamped, £20.* Every person who—

- (1.) Receives, or takes credit for, any premium or consideration for any contract of insurance, and does not, within one month after receiving, or taking credit for, such premium or consideration, make out and execute a duly stamped policy of such insurance;
- (2.) Makes, executes, or delivers out, or pays or allows in account, or agrees to pay or allow in account, any money upon or in respect of, any policy which is not duly stamped;

shall forfeit the sum of £20.

119. *Duty may be denoted by adhesive stamp.* (1.) The duties imposed by this Act upon policies of insurance may be denoted by adhesive stamps, or partly by adhesive and partly by impressed stamps.

(2.) When the whole or any part of the duty upon a policy of insurance is denoted by an adhesive stamp, such adhesive stamp is to be cancelled by the person by whom the policy is first executed.

(3.) *Penalty, £20.* In default of such cancellation, the person making the insurance shall forfeit the sum of £20.

As to receipts.

120. *Interpretation of term.* The term "receipt" means and includes any note, memorandum, or writing whatsoever whereby any money amounting to £2 or upwards, or any bill of exchange or promissory note for money amounting to £2 or upwards, is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, of the amount of £2 or upwards, is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgment, and whether the same is or is not signed with the name of any person.

121. *Duty may be denoted by adhesive stamp.* The duty upon a receipt may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the receipt is given before he delivers it out of his hands.

122. *Terms upon which receipts may be stamped after execution.* A receipt given without being stamped may be stamped with an impressed stamp upon the terms following, that is to say:—

- (1.) Within fourteen days after it has been given, on payment of the duty and a penalty of £5;
- (2.) After fourteen days, but within one month, after it has been given, on payment of the duty and a penalty of £10;

and shall not in any other case be stamped with an impressed stamp.

123. *Penalty for offences.* If any person—

- (1.) Gives any receipt liable to duty and not duly stamped;
- (2.) In any case where a receipt would be liable to duty refuses to give a receipt duly stamped;
- (3.) Upon a payment to the amount of £2 or upwards gives a receipt for a sum not amounting to £2, or separates or divides the amount paid with intent to evade the duty;

he shall forfeit the sum of £10.

As to settlements.

124. *As to settlement of policy or security.* Where any money which may become due or payable upon any policy of insurance, or upon any security not being a marketable security, is settled or agreed to be settled, the instrument whereby such settlement is made or agreed to be made, is to be charged with ad valorem duty in respect of such money.

Proviso as to policies. Provided as follows:—

- (1.) Where, in the case of a policy of insurance, no provision is made for keeping up the policy, the ad valorem duty is to be charged only on the value of the policy at the date of the instrument:
- (2.) If in any such case the instrument contains a statement of such value, and is stamped in accordance with such statement, it is, so far as regards such policy, to be deemed duly stamped, unless or until it is shown that such statement is untrue, and that the instrument is in fact insufficiently stamped.

125. *Settlements when not to be charged as securities.* (1.) An instrument chargeable with ad valorem duty as a settlement in respect of any money, stock, or security, is not to be charged with any further duty by reason of containing provision for the payment or transfer of the same money, stock, or security.

(2.) Where any money, stock, or security is settled or agreed to be settled by a person who has only a reversionary interest therein, and the instrument whereby such settlement is made or agreed to be made contains a covenant by the person entitled in possession to the interest or dividends of such money, stock, or security for the payment, during the continuance of such possession, of any annuity or yearly sum not exceeding interest at the rate of £4 per cent. per annum upon the amount or value of such money, stock, or security, such instrument shall not be charged with any duty in respect of such covenant.

126. *Where several instruments one only to be charged with ad valorem duty.* (1.) Where several instruments are executed for effecting the settlement of the same property, and the ad valorem duty chargeable in respect of the settlement of such property exceeds ten shillings, one only of such instruments is to be charged with the ad valorem duty.

(2.) Where a settlement is made in pursuance of any previous agreement or articles upon which any ad valorem settlement duty exceeding ten shillings has been paid in respect of the same property, such settlement is not to be charged with any ad valorem settlement duty.

(3.) In each of the aforesaid cases the instruments not chargeable with ad valorem duty are to be charged with the duty of ten shillings.

As to share warrants.

127. *Penalty for issuing share warrant not duly stamped £50.* If a share warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary, or other principal officer of the company, shall forfeit the sum of £50.

As to transfers of shares in cost book mines.

128. *Duty may be denoted by adhesive stamp.* (1.) The duty upon a request or authority to the purser or other officer of a mining company conducted on the cost book system to enter or register the transfer of any share or part of a share of the mine, and the duty upon a notice to such purser or officer of any such transfer, may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the request, authority, or notice is written or executed.

129. *Penalty for signing, &c., £20.* (2.) Every person who writes or executes any such request, authority, or notice, not being duly stamped, and every purser or other officer of any such

company who in any manner obeys, complies with, or gives effect to any such request, authority, or notice, not being duly stamped, shall forfeit the sum of £20.

SCHEDULE.

Duty.
£ s. d.

ADMISSION in England, Scotland, or Ireland of any person—

As an advocate in any court 50 0 0

Exemption.

Where a person has been duly admitted as an advocate in any court in England, Scotland, or Ireland, his admission as an advocate in any other court in the same country is exempt from duty.

And see sections 29 and 30.

ADMISSION in England or Ireland of any person—

To the degree of barrister-at-law.

If he has been previously duly admitted to the said degree in Ireland, or in England, as the case may be 10 0 0

In any other case 50 0 0

And see sections 29, 30, and 31.

ADMISSION of any person—

To be a member of either of the four Inns of Court in England, or a student of the Society of King's Inns in Dublin 25 0 0

Exemptions.

(1.) Where a person has been duly admitted a member of one of the Inns of Court in England, his admission as a member of any other of the said Inns is exempt from duty.

(2.) Where a person has been duly admitted a student of the Society of King's Inns in Dublin, his admission as a member of any of the Inns of Court in England is exempt from duty.

And see sections 29, 30, 31, and 32.

ADMISSION of any person—

To be a member of either of the societies commonly called Inns of Chancery in England 3 0 0

And see sections 29 and 30.

ADMISSION in England or Ireland of any person—

As an attorney, solicitor, or proctor in any court 25 0 0

Exemption.

Where a person has been duly admitted as an attorney, solicitor, or proctor in any court in England or Ireland, his admission to act in either of those capacities in any other court in the same country is exempt from duty.

And see sections 29 and 30.

ADMISSION in Scotland of any person—

(1.) As a writer to the signet, or as a solicitor, agent, or attorney in the Court of Session, Justiciary, or Commission of Teinds:

If he has previously paid the sum of £60 for duty upon his articles of clerkship 25 0 0

If he has been previously duly admitted as a procurator or solicitor in any inferior court 30 0 0

In any other case 85 0 0

(2.) As a procurator or solicitor in any inferior court:

If he has previously paid the sum of 2s. 6d. for duty on his articles of clerkship 54 17 6

In any other case 55 0 0

Exemptions.

(1.) Where a person has been duly admitted as a writer to the signet, or as a solicitor, agent, or attorney in the Court of Session, Justiciary, or Commission of Teinds, his admission to act in either of those capacities in any other of the said courts, or as a procurator

or solicitor in any inferior court, is exempt from duty.

(2.) Where a person has been duly admitted as a procurator or solicitor in any inferior court, his admission as a procurator or solicitor in any other inferior court is exempt from duty.

And see sections 29 and 30.

ADMISSION to act as a notary public.

See FACULTY.

ADMISSION of any person—

As a fellow of the College of Physicians in England, Scotland, or Ireland 25 0 0

And see sections 29 and 30.

ADMISSION to the degree of doctor of medicine in either of the universities in Scotland 10 0 0

And see sections 29 and 30.

ADMISSION in England or Ireland of any person—

As a burgess, or into any corporation or company in any city, borough, or town corporate.

In respect of birth, apprenticeship, or marriage, or, in Ireland, in respect of being engaged in any trade, mystery, or handicraft 1 0 0

Upon any other ground 3 0 0

Exemption.

Admission of any person to the freedom of the city of London by redemption.

And see sections 29 and 30.

ADMISSION in Scotland of any person—

As a burgess, or into any corporation or company, in any burgh 0 5 0

Exemption.

Admission of a craftsman or other person into any corporation within any royal burgh, burgh of royalty, or burgh of barony incorporated by the magistrates and council of such burgh, provided such craftsman or other person has been previously duly admitted a freeman or burgess of the burgh.

And see sections 29 and 30.

ADMISSION to ecclesiastical benefices in Scotland.

See APPOINTMENT, &c. to ecclesiastical benefices.

ADMISSION and APPOINTMENT of GRANT by any writing—

To or of any office or employment—

Where the annual salary, fees, or emoluments appertaining to such office or employment do not exceed £100 2 0 0

Exceed £100 and do not exceed £150 4 0 0

" 150 " 200 ... 6 0 0

" 200 " 250 ... 8 0 0

" 250 " 300 ... 10 0 0

" 300 " 5 0 0

for every £100 and also for any fractional part of £100 5 0 0

Exemptions.

(1.) Admission proceeding upon a duly stamped appointment or grant.

(2.) First appointment of any person to the office or employment of out-door officer, boatman, waterman, or watchman in the service of the Customs.

(3.) Periodical re-admission or re-appointment to any office or employment of any person who has been once duly admitted to such office or employment.

And see sections 29, 30, 33, 34, and 35.

AFFIDAVIT, or STATUTORY DECLARATION made under the provisions of 5 & 6 Will. 4, c. 62 ... 0 2 6

Exemptions.

(1.) Affidavit made for the immediate purpose of being filed, read, or used in any court, or before any judge, master, or officer of any court.

(2.) Affidavit or declaration made upon a requisition of the commissioners of any public board of revenue, or any of the officers acting under them, or required

	£ s. d.	£ s. d.
by law, and made before any justice of the peace.		
(3.) Affidavit or declaration which may be required at the Bank of England or the Bank of Ireland to prove the death of any proprietor of any stock transferable there, or to identify the person of any such proprietor, or to remove any other impediment to the transfer of any such stock.		
(4.) Affidavit or declaration relating to the loss, mutilation, or defacement of any bank note or bank post bill.		
(5.) Declaration required to be made pursuant to any Act relating to marriages in order to a marriage without licence.		
AGREEMENT OR CONTRACT, accompanied with a deposit.	0 0 6	
See MORTGAGE, &c., and section 105.		
AGREEMENT for a lease or tack, or for any letting.		
See LEASE OR TACK, and section 96.		
AGREEMENT OR CONTRACT made or entered into pursuant to the Highway Acts for or relating to the making, maintaining, or repairing of highways ...	0 0 6	
AGREEMENT, or any MEMORANDUM of an AGREEMENT, made in England or Ireland under hand only, or made in Scotland without any clause of registration, and not otherwise specifically charged with any duty, whether the same be only evidence of a contract, or obligatory upon the parties from its being a written instrument	0 0 6	
<i>Exemptions.</i>		
(1.) Agreement or memorandum the matter whereof is not of the value of £5.		
(2.) Agreement or memorandum for the hire of any labourer, artificer, manufacturer, or menial servant.		
(3.) Agreement, letter, or memorandum made for or relating to the sale of any goods, wares, or merchandise.		
(4.) Agreement or memorandum made between the master and mariners of any ship or vessel for wages on any voyage coastwise from port to port in the United Kingdom.		
And see section 36.		
ALLOTMENT. See LETTER OF ALLOTMENT.		
ANNUITY, conveyance in consideration of.		
See CONVEYANCE ON SALE, and section 72.		
purchase of.		
See CONVEYANCE ON SALE, and section 75.		
creation of, by way of security.		
See MORTGAGE, &c., and section 108.		
instruments relating to, upon any other occasion.		
See BOND, COVENANT, &c.		
APPOINTMENT, whether by way of DONATION, PRESENTATION, OR NOMINATION, and ADMISSION, COLLATION, OR INSTITUTION to or LICENCE TO HOLD—		
Any ecclesiastical benefice, dignity, or promotion, or any perpetual curacy.		
In England.		
If the net yearly value thereof exceeds—		
£50 and does not exceed £100 ... 1 0 0		
100 " " 150 ... 2 0 0		
150 " " 200 ... 3 0 0		
200 " " 250 ... 4 0 0		
250 " " 300 ... 5 0 0		
300 7 0 0		
And also (if such yearly value exceeds £300) for every £100 of such yearly value over and above £200 a further duty of... 5 0 0		
In Scotland 2 0 0		
<i>Exemptions.</i>		
Admission, collation, institution, or licence proceeding upon a duly stamped donation, presentation, or nomination.		
And see section 37.		
APPOINTMENT of a new trustee, and APPOINTMENT in execution of a power of any property, or of any use, share, or interest in any property, by any instrument not being a will 0 10 0		
And see section 78.		
APPOINTMENT of a gamekeeper.		
See DEPUTATION.		
APPOINTMENTS to offices or employments.		
See ADMISSION.		
APPRAISEMENT or VALUATION of any property or of any interest therein, or of the annual value thereof, or of any dilapidations, or of any repairs wanted, or of the materials and labour used or to be used in any building, or of any artificers work whatsoever.		
Where the amount of the appraisement or valuation does not exceed £5 ... 0 0 3		
Exceeds £5 and does not exceed £10 ... 0 0 6		
" 10 " 20 ... 0 1 0		
" 20 " 30 ... 0 1 6		
" 30 " 40 ... 0 2 0		
" 40 " 50 ... 0 2 6		
" 50 " 100 ... 0 5 0		
" 100 " 200 ... 0 10 0		
" 200 " 500 ... 0 15 0		
" 500 1 0 0		
<i>Exemptions.</i>		
(1.) Appraisement or valuation made for, and for the information of, one party only, and not being in any manner obligatory as between parties either by agreement or operation of law.		
(2.) Appraisement or valuation made in pursuance of the order of any Court of Admiralty or Vice-Admiralty, or of any Court of Appeal, from any sentence, adjudication, or judgment of any Court of Admiralty or Vice-Admiralty.		
(3.) Appraisement or valuation of any property made for the purpose of ascertaining the legacy or succession duty payable in respect thereof.		
And see section 38.		
APPRENTICESHIP, instrument of.		
Where there is no premium or consideration ... 0 2 6		
In any other case—		
For every £5, and also for any fractional part of £5, of the amount or value of the premium or consideration ... 0 5 0		
<i>Exemptions.</i>		
(1.) Instrument relating to any poor child apprenticed by, or at the sole charge of, any parish or township, or by or at the sole charge of any public charity, or pursuant to any Act for the regulation of parish apprentices.		
(2.) Instrument of apprenticeship in Ireland, where the value of the premium or consideration does not exceed £10.		
And see sections 39 and 40.		
ARTICLES OF CLERKSHIP whereby any person first becomes bound to serve as a clerk in order to his admission,		
(1.) As an attorney or solicitor in any of her Majesty's courts at Westminster or in Ireland, or as a proctor in the High Court of Admiralty, or any Ecclesiastical Court in England or Ireland ... 80 0 0		
(2.) As an attorney or solicitor in any of the courts of the counties palatine of Lancaster and Durham, and as a writer to the signet, or as a solicitor, agent, or attorney in the Court of Session, Justiciary, or Commission of Teinds in Scotland ... 60 0 0		
(3.) As a procurator or solicitor in any inferior court in Scotland ... 0 2 6		
And see sections 41, 42, 43, and 44.		
ARTICLES OF CLERKSHIP, whereby any person, having been before bound by duly stamped articles to serve as a clerk in order to his ad-		

	£ s. d.	£ s. d.
mission in any of the courts aforesaid, and not having completed his service so as to be entitled to such admission, becomes bound afresh for the same purpose 0 10 0		
ASSIGNMENT OR ASSIGNATION.		
By way of security, or of any security. See MORTGAGE, &c.		
Upon a sale or otherwise. See CONVEYANCE.		
ASSURANCE OF INSURANCE. See POLICY.		
ATTESTED COPY. See COPY.		
ATTORNEY, LETTER OF POWER of. See LETTER OF ATTORNEY.		
WARRANT of. See WARRANT OF ATTORNEY.		
AWARD in England or Ireland, and AWARD OR DECRETAL ARBITRAL in Scotland.		
Where the amount or value of the matter in dispute does not exceed £5 ... 0 0 3		
Exceeds £5 and does not exceed £10 ... 0 0 6		
" 10 " 20 ... 0 1 0		
" 20 " 30 ... 0 1 6		
" 30 " 40 ... 0 2 0		
" 40 " 50 ... 0 2 6		
" 50 " 100 ... 0 5 0		
" 100 " 200 ... 0 10 0		
" 200 " 500 ... 0 15 0		
" 500 " 750 ... 1 0 0		
" 750 " 1000 ... 1 5 0		
And where it exceeds £1,000, and in any other case not above provided ... 1 15 0		
BACK BOND. See MORTGAGE, &c., and section 105.		
BANK NOTE—		
For money not exceeding £1... 0 0 5		
Exceeding £1 and not exceeding £2 ... 0 0 10		
" 2 " 5 ... 0 1 3		
" 5 " 10 ... 0 1 9		
" 10 " 20 ... 0 2 0		
" 20 " 30 ... 0 3 0		
" 30 " 50 ... 0 5 0		
" 50 " 100 ... 0 8 6		
And see sections 45, 46, and 47.		
BILL OF EXCHANGE—		
Payable on demand ... 0 0 1		
BILL OF EXCHANGE of any other kind whatsoever (except a Bank Note) and PROMISSORY NOTE of any kind whatsoever (except a Bank Note)—drawn, or expressed to be payable, or actually paid, or endorsed, or in any manner negotiated in the United Kingdom:		
Where the amount or value of the money for which the bill or note is drawn or made does not exceed £5 ... 0 0 1		
Exceeds £5 and does not exceed £10 ... 0 0 2		
" 10 " 25 ... 0 0 3		
" 25 " 50 ... 0 0 6		
" 50 " 75 ... 0 0 9		
" 75 " 100 ... 0 1 0		
for every £100, and also for any fractional part of £100, of such amount or value ... 0 1 0		
Exemptions.		
(1.) Bill or note issued by the Governor and Company of the Bank of England or Bank of Ireland.		
(2.) Draft or order drawn by any banker in the United Kingdom upon any other banker in the United Kingdom, not payable to bearer or to order, and used solely for the purpose of settling or clearing any account between such bankers.		
(3.) Letter written by a banker in the United Kingdom to any other banker in the United Kingdom, directing the payment of any sum of money, the same not being payable to bearer or to order, and such letter not being sent or delivered to the person to whom payment is to be made, or to any person on his behalf.		
(4.) Letter of credit granted in the United Kingdom, authorising drafts to be drawn out of the United Kingdom payable in the United Kingdom.		
		0 2 6
(5.) Draft or order drawn by the Accountant-General of the Court of Chancery in England or Ireland.		
(6.) Warrant or order for the payment of any annuity granted by the Commissioners for the Reduction of the National Debt, or for the payment of any dividend or interest on any share in the Government or Parliamentary stocks or funds.		
(7.) Bill drawn by the Lords Commissioners of the Admiralty, or by any person under their authority, under the authority of any Act of Parliament upon and payable by the Accountant-General of the Navy.		
(8.) Bill drawn (according to a form prescribed by her Majesty's orders by any person duly authorised to draw the same) upon and payable out of any public account for any pay or allowance of the army or other expenditure connected therewith.		
(9.) Coupon or warrant for interest attached to and issued with any security.		
And see sections 48, 49, 50, 51, 52, 53, 54, and 55.		
BILL OF LADING of or for any goods, merchandise, or effects to be exported or carried coastwise ... 0 0 6		
BOND for securing the payment or repayment of money or the transfer or re-transfer of stock. See MORTGAGE, &c.		
BOND in relation to any annuity upon the original creation and sale thereof. See CONVEYANCE ON SALE, and section 75.		
BOND, COVENANT, OR INSTRUMENT of any kind whatsoever.		
(1.) Being the only or principal or primary security for any annuity (except upon the original creation thereof by way of sale or security), or of any sum or sums of money at stated periods, not being interest for any principal sum secured by a duly stamped instrument, nor rent reserved by a lease or tack.		
For a definite and certain period, so that the total amount to be ultimately payable can be ascertained—		
The same ad valorem duty as a bond or covenant for such total amount.		
For the term of life or any other indefinite period.		
For every £5, and also for any fractional part of £5, of the annuity or sum periodically payable. 0 0 6		
(2.) Being a collateral or auxiliary or additional or substituted security for any of the above mentioned purposes where the principal or primary instrument is duly stamped—		
The same ad valorem duty as a bond or covenant of the same kind for such total amount.		
In any other case:		
For every £5, and also for any fractional part of £5, of the annuity or sum periodically payable 0 0 6		
BOND given pursuant to the directions of any Act of Parliament, or by the directions of the Commissioners of Customs or Inland Revenue, or any of their officers, for or in respect of any of the duties of customs or excise, or for preventing frauds or evasions thereof, or for any other matter or thing relating thereto.		

	£ s. d.		£ s. d.
Where the penalty of the bond does not exceed £150—		CERTIFICATE of any goods, wares, or merchandise, having been duly entered inwards, which shall be entered outwards for exportation at the port of importation, or be removed from thence to any other port for the more convenient exportation thereof, where such certificate is issued for enabling any person to obtain a debenture or certificate entitling him to receive any drawback of any duty or duties of customs, or any part thereof	0 4 0
The same ad valorem duty as a bond for the amount of the penalty.		CERTIFICATE of the registration of a design	5 0 0
And in any other case 0 5 0		And see section 65.	
Exemption.		CHARTER of resignation, or of confirmation, or of novodamus, or upon apprising, or upon a decree of adjudication, or sale of any lands, or other heritable subjects in Scotland	0 5 0
Bond given as aforesaid upon, or with relation to, the receiving or obtaining, or for entitling any person to receive or obtain, any drawback of any duty or duties, or part of any duty or duties, of customs or excise, for or in respect of any goods, wares, or merchandise exported or shipped to be exported from the United Kingdom to any parts beyond the seas, or upon or with relation to the obtaining of any debenture or certificate for entitling any person to receive any such drawback as aforesaid.		CHARTER-PARTY, or any agreement or contract for the charter of any ship or vessel, or any memorandum, letter or other writing, between the captain, master, or owner of any ship or vessel, and any other person, for or relating to the freight or conveyance of any money, goods, or effects on board of such ship or vessel	0 0 6
And see section 58.		And see sections 66, 67, and 68.	
BOND on obtaining letters of administration in England or Ireland, or a confirmation of testament in Scotland 0 5 0		CLARE CONSTAT. See PRECEP.	
Exemptions.		COLLATION. See APPOINTMENT, &c. to ecclesiastical benefices.	
(1.) Bond given by the widow, child, father, mother, brother, or sister, of any common seaman, marine or soldier, slain or dying in the service of her Majesty, her heirs or successors.		COMMISSION granted by her Majesty, her heirs or successors, or by any person or persons duly authorised by her or them, to any officer in the army, or in the corps of Royal Marines	1 10 0
(2.) Bond given by any person where the estate to be administered does not exceed £100 in value.		COMMISSION granted by the Lords Commissioners of the Admiralty to any officer in the navy	0 5 0
BOND of any kind whatsoever not specifically charged with any duty:		COMMISSION or DEPUTATION granted by the Commissioners of Inland Revenue	1 10 0
Where the amount limited to be recoverable does not exceed £300—		COMMISSION of LUNACY	0 5 0
The same ad valorem duty as a bond for the amount limited.	0 10 0	COMMISSION to act as a notary public in Scotland. See FACULTY.	
In any other case		COMMISSION in the nature of a power of attorney in Scotland. See LETTER OF POWER OF ATTORNEY.	
BOND, accompanied with a deposit of title deeds, for making a mortgage, wadset, or other security on any estate or property therein comprised.		CONDITIONAL SURRENDER of any copyhold or customary estate by way of mortgage.	
See MORTGAGE, &c., and section 105.		See MORTGAGE, &c., and sections 105 and 110.	
BOND, DECLARATION, or other DEED OR WRITING for making redeemable any disposition, assination, or tack, apparently absolute, but intended only as a security.		CONGE D'ELIRE. See GRANT.	
See MORTGAGE, &c., and section 105.		CONSTAT of Letters Patent. See EXEMPLIFICATION.	
CERTIFICATE to be taken out yearly—		CONTRACT. See AGREEMENT.	
(1.) By every person admitted or enrolled in England or Ireland as an attorney, solicitor, proctor, or notary public.		CONTRACT NOTE—Any note, memorandum, or writing, commonly called a "contract note," or by whatever name the same may be designated, for or relating to the sale or purchase of any stock or marketable security of the value of £5 or upwards	0 0 1
(2.) By every person admitted or enrolled in Scotland as a writer to the signet, solicitor, agent, attorney, procurator, or notary public.		And see section 69.	
(3.) By every other legally qualified person who carries on business in England or or Ireland as a conveyancer, special pleader, or draftsman in equity, and is obliged by law to take out such a certificate.		CONVEYANCE OR TRANSFER, whether on sale or otherwise—	
If such person practises or carries on his business	If he has been admitted or enrolled, or has carried on business, for three years or upwards.	(1.) Of any stock of the governor and company of the Bank of England ...	0 7 9
In England, within ten miles from the General Post Office in the city of London ...	If he has not been so long admitted or enrolled, or has not so long carried on business.	(2.) Of any stock of the East India Company ...	1 10 0
In Scotland, within the city or shire of Edinburgh ...	9 0 0	(3.) Of any debenture stock or funded debt of any company or corporation.	
In Ireland, in the city of Dublin, or within three miles therefrom ...	4 10 10	For every £100, and also for any fractional part of £100, of the nominal amount transferred	0 2 6
In England, Scotland, or Ireland, beyond the above-mentioned limits ...	6 0 0	And see section 78.	
And see sections 59, 60, 61, 62, 63, and 64.	3 0 0	CONVEYANCE OR TRANSFER on sale.	
		Of any property (except such stock or debenture stock or funded debt as aforesaid),	
		Where the amount or value of the consideration for the sale does not exceed £5	0 0 6
		Exceeds £5 and does not exceed £10	0 1 0
		" 10	15
		" 15	20
		" 20	25
		" 25	50
		" 50	75
		" 75	100
		" 100	125
		" 125	150
		" 150	175
		" 175	200
		" 200	225

	£ s. d.	£ s. d.
Exceeds £225 and does not exceed £250 ... 1 5 0		Covenant in relation to any annuity (except upon the original creation and sale thereof) or to other periodical payments.
" 250 " 275 ... 1 7 6		See BOND, COVENANT, &c.
" 275 " 300 ... 1 10 0		
For every £50, and also for any fractional part of £50, of such amount or value ... 0 5 0		Covenant. Any separate deed of covenant (not being an instrument chargeable with ad valorem duty as a conveyance on sale or mortgage) made on the sale or mortgage of any property, and relating solely to the conveyance or enjoyment of, or the title to, the property sold or mortgaged, or to the production of the muniments of title relating thereto, or to all or any of the matters aforesaid.
And see sections 70, 71, 72, 73, 74, 75, 76, and 77.		Where the ad valorem duty in respect of the consideration or mortgage money does not exceed 10s.—
CONVEYANCE OF TRANSFER by way of security of any property (except such stock or debenture stock or funded debt as aforesaid), or of any security.		A duty equal to the amount of such ad valorem duty.
See MORTGAGE, &c.		
CONVEYANCE OF TRANSFER of any kind not hereinbefore described ... 0 10 0		In any other case ... 0 10 0
And see section 78.		CURACY (Perpetual) licence to hold. Nomination to. See APPOINTMENT, &c., to ecclesiastical benefices.
COPY OR EXTRACT (attested or in any manner authenticated) of or from—		CUSTOMARY ESTATES. See COPYHOLD.
(1.) An instrument chargeable with any duty.		DEBENTURE for securing the payment or repayment of money, or the transfer or retransfer of stock.
(2.) An original will, testament, or codicil.		See MORTGAGE, &c.
(3.) The probate or probate copy of a will or codicil.		DEBENTURE OR CERTIFICATE for entitling any person to receive any drawback of any duty or duties, or part of any duty or duties of customs or excise, or any bounty payable out of the revenue of customs or excise, for or in respect of any goods, wares, or merchandise exported or shipped to be exported from any part of the United Kingdom to any part beyond the sea.
(4.) Any letters of administration or any confirmation of a testament.		Where the drawback or bounty to be received does not exceed £10 ... 0 1 0
(5.) Any public register (except any register of births, baptisms, marriages, deaths or burials).		Exceeds £10 and does not exceed £50 ... 0 2 6
(6.) The books, rolls, or records of any court. In the case of an instrument chargeable with any duty not amounting to one shilling—		Exceeds £50 ... 0 5 0
The same duty as such instrument.		DECLARATION of any use or trust of or concerning any property by any writing not being a deed or will, or an instrument chargeable with ad valorem duty as a settlement ... 0 10 0
In any other case ... 0 1 0		DECLARATION (Statutory). See AFFIDAVIT.
Exemptions.		DECREE ARBITRAL. See AWARD.
(1.) Copy or extract of or from any law proceedings		DEED whereby any real burden is declared or created on lands or heritable subjects in Scotland.
(2.) Copy or extract in Scotland of or from the commission of any person as a delegate or representative to the convention of royal burghs or the general assembly or any presbytery or church court.		See MORTGAGE, &c., and section 105.
And see section 79.		DEED containing an obligation to infest any person in heritable subjects in Scotland, under a clause of reversion, as a security for money. See MORTGAGE, &c., and section 105.
COPY OR EXTRACT (certified) of or from any register of births, baptisms, marriages, deaths or burials ... 0 0 1		DEED containing an obligation to infest or seize in an annuity to be uplifted out of heritable subjects in Scotland. See BOND, COVENANT, &c.
Exemptions.		DEED of any kind whatsoever, not described in this schedule ... 0 10 0
(1.) Copy or extract furnished by any clergyman, registrar, or other official person pursuant to and for the purposes of any Act of Parliament, or furnished to any general or superintending registrar under any general regulation.		DEFEASANCE. Deed or other instrument of defeasance of any conveyance, disposition, assignation, or tack, apparently absolute, but intended only as a security for money or stock. See MORTGAGE, &c., and section 105.
(2.) Copy or extract for which the person giving the same is not entitled to any fee or reward.		DELIVERY ORDER ... 0 0 1
And see section 80.		And see sections 87, 89, 90, and 91.
COPYHOLD and CUSTOMARY ESTATES—Instruments relating thereto.		DEPOSIT of title deeds. See MORTGAGE, &c., and section 105.
Upon a sale thereof. See CONVEYANCE ON SALE.		DEPUTATION by the Commissioners of Inland Revenue.
Upon a mortgage thereof. See MORTGAGE, &c.		See COMMISSION.
Upon a demise thereof. See LEASE OR TACK.		DEPUTATION OF APPOINTMENT of a gamekeeper ... 0 10 0
Upon any other occasion.		DISPENSATION. See FACULTY.
Surrender or grant made out of court, or the memorandum thereof, and copy of court roll of any surrender or grant made in court ... 0 10 0		DISPOSITION of heritable property in Scotland to singular successors or purchasers. See CONVEYANCE ON SALE.
And see sections 81, 82, 83, 84, 85, and 86.		DISPOSITION of heritable property in Scotland to a purchaser, containing a clause declaring all or any part of the purchase money a real burden
COST BOOK MINES. See TRANSFER.		
COUNTERPART. See DUPLICATE.		
COVENANT for securing the payment or repayment of money, or the transfer or retransfer of stock. See MORTGAGE, &c.		
COVENANT in relation to any annuity upon the original creation and sale thereof. See CONVEYANCE ON SALE, and section 75.		

	£ s. d.	£ s. d.
upon, or affecting, the heritable property thereby disposed, or any part thereof.		
See CONVEYANCE ON SALE, MORTGAGE, &c., and section 105.		
DISPOSITION in Scotland containing constitution of feu or ground annual right.		
See CONVEYANCE ON SALE, and section 72.		
DISPOSITION in security in Scotland. See MORTGAGE, &c.		
DISPOSITION of any wadset, heritable bond, &c. See MORTGAGE, &c.		
DISPOSITION in Scotland of any property or of any right or interest therein not described in this schedule	0 10 0	
DOCK WARRANT. See WARRANT FOR GOODS.		
DOCKET made on passing any instrument under the Great Seal of the United Kingdom	0 2 0	
DONATION of any ecclesiastical benefice, dignity, or promotion.		
See APPOINTMENT, &c., to ecclesiastical benefices.		
DRAFT for money. See BILL OF EXCHANGE, and section 48.		
DUPLICATE or COUNTERPART of any instrument chargeable with any duty.		
Where such duty does not amount to 5s.—		
The same duty as the original instrument.		
In any other case	0 5 0	
And see section 93.		
ECCLESIASTICAL BENEFICE. See APPOINTMENT, &c., to ecclesiastical benefices.		
EIK to a reversion. See MORTGAGE, &c., and section 105.		
EXCHANGE or EXCAMBION—Instruments effecting.		
In the case specified in section 94 see that section.		
In any other case	0 10 0	
EXEMPLIFICATION or CONSTAT, under the Great Seal of the United Kingdom of Great Britain and Ireland of any letters patent or grant made or to be made by her Majesty, her heirs or successors, or by any of her royal predecessors, of any honour, dignity, promotion, franchise, liberty, or privilege, or of any lands, office, or other thing whatsoever	5 0 0	
EXEMPLIFICATION under the seal of any court in England or Ireland of any record or proceeding therein	3 0 0	
EXTRACT. See COPY OF EXTRACT.		
FACTORY, in the nature of a letter or power of attorney in Scotland.		
See LETTER OF POWER OF ATTORNEY.		
FACULTY, LICENCE, COMMISSION, or DISPENSATION for admitting or authorising any person to act as a notary public:		
In England	30 0 0	
In Scotland or Ireland	20 0 0	
FACULTY or DISPENSATION of any other kind:		
In England	30 0 0	
In Ireland	25 0 0	
FEU CONTRACT in Scotland. See CONVEYANCE ON SALE, and section 72.		
FOREIGN SECURITY. See MORTGAGE, &c., and sections 113, 114, and 115.		
FURTHER CHARGE or FURTHER SECURITY. See MORTGAGE, &c., and section 109.		
GRANT or LETTERS PATENT under the Great Seal of the United Kingdom of Great Britain and Ireland, or of the Great Seal of Ireland, or the Seal of the Duchy or County Palatine of Lancaster, or under the Seal kept and used in Scotland in place of the Great Seal formerly used there:		
(1.) Of the honour or dignity of a duke	350 0 0	
" " of a marquis	300 0 0	
" " of an earl	250 0 0	
" " of a viscount	200 0 0	
" " of a baron	150 0 0	
" " of a baronet	100 0 0	
(2.) Of a conge d'elire to any dean and chapter for the election of an archbishop or bishop	30 0 0	
(3.) Of the royal assent to, or signification of, the election made by any dean and chapter, or of the nomination and presentation by her Majesty, her heirs or successors, in default of such election of any person to be an archbishop or bishop	30 0 0	
(4.) Of or for the restitution of the temporalities to any archbishop or bishop		
(5.) Of any other honour, dignity, or promotion whatsoever		
(6.) Of any franchise, liberty, or privilege to any person or body politic or corporate		
Exemptions.		
(1.) Commissions of rebellion in process.		
(2.) Letters patent or briefs for collecting charitable benevolences.		
(3.) Letters patent for confirming any dispensation hereinbefore charged with duty.		
(4.) Letters patent appointing sheriffs in England or Ireland, and the writs of assistance accompanying such letters patent.		
And see section 95.		
GRANT or WARRANT OF PRECEDENCE to take rank among nobility under the sign manual of her Majesty, her heirs or successors	100 0 0	
GRANT or LICENCE under the sign manual to take and use a surname and arms, or a surname only.		
In compliance with the injunctions of any will or settlement	50 0 0	
Upon any voluntary application	10 0 0	
GRANT of arms or armorial ensigns only, under the sign manual, or by any of the Kings of Arms of England, Scotland or Ireland	10 0 0	
GRANT of copyhold or customary estates. See CONVEYANCE—COPYHOLD.		
GRANT of the custody of the person or estate of any lunatic	2 0 0	
HERITABLE BOND. See MORTGAGE, &c., and section 105.		
INSTITUTION. See APPOINTMENT, &c., to ecclesiastical benefices.		
INVENTORY. See SCHEDULE.		
LEASE or TACK—		
(1.) For any definite term less than a year:		
(a.) Of any dwelling-house or tenement, or part of a dwelling-house or tenement, at a rent not exceeding the rate of £10 per annum	0 0 1	
(b.) Of any furnished dwelling-house or apartments where the rent for such term exceeds £25	0 2 6	
(c.) Of any lands, tenements, or heritable subjects except or otherwise than as aforesaid—		
The same duty as a lease for a year at the rent reserved for the definite term.		
(2.) For any other definite term or for any indefinite term:		
Of any lands, tenements, or heritable subjects—		
Where the consideration, or any part of the consideration, moving either to the lessor or to any other person, consists of any money, stock, or security:		
In respect of such consideration—		
The same duty as a conveyance on a sale for the same consideration.		
Where the consideration or any part of the consideration is any rent:		
In respect of such consideration:		
If the rent, whether reserved as a		

yearly rent or otherwise, is at a rate or average rate—

	If the term is definite, and does not exceed 35 years, or is indefinite	If the term being definite exceeds 35 years, but does not exceed 100 years.	If the term being definite exceeds 100 years.	£ s. d.
Not exceeding £5 per annum.	0 0 6	0 3 0	0 6 0	
Exceeding—				
£5 and not exceeding £10	0 1 0	0 6 0	0 12 0	
10 "	15	0 1 6	0 9 0	0 18 0
15 "	20	0 2 0	0 12 0	1 4 0
20 "	25	0 2 6	0 15 0	1 10 0
25 "	50	0 5 0	1 10 0	3 0 0
50 "	75	0 7 6	2 5 0	4 10 0
75 "	100	0 10 0	3 0 0	6 0 0
100				
For every full sum of £50, and also for any fractional part of £50 thereof ...	0 5 0	1 10 0	3 0 0	
(3.) Of any other kind whatsoever not hereinbefore described ...			0 10 0	
And see sections 96, 97, 98, 99, and 100.				
LETTER OF ALLOTMENT or LETTER OF RENUNCIATION, or any other document having the effect of a letter of allotment:				
(1.) Of any share of any company or proposed company ...				
(2.) In respect of any loan raised, or proposed to be raised, by any company or proposed company, or by any municipal body or corporation ...				
(3.) Issued or delivered in the United Kingdom, of any share of any foreign or colonial company or proposed company, or in respect of any loan raised or proposed to be raised by or on behalf of any foreign or colonial state, government, municipal body, corporation, or company ...	0 0 1			
And SCRIP CERTIFICATE, SCRIP, or other document:				
(1.) Entitling any person to become the proprietor of any share of any company or proposed company ...				
(2.) Issued or delivered in the United Kingdom, and entitling any person to become the proprietor of any share of any foreign or colonial company or proposed company ...				
(3.) Denoting, or intended to denote, the right of any person as a subscriber in respect of any loan raised or proposed to be raised by any company or proposed company, or by any municipal body or corporation ...	0 0 1			
(4.) Issued or delivered in the United Kingdom, and denoting, or intended to denote, the right of any person as a subscriber in respect of any loan raised or proposed to be raised by or on behalf of any foreign or colonial state, government, municipal body, corporation or company ...				
And see section 101.				
LETTER or POWER of ATTORNEY, or COMMISSION, FACTORY, MANDATE, or other instrument in the nature thereof:				
(1.) For the sole purpose of appointing or authorising any one person to vote as a proxy at any one meeting at which votes may be given by proxy ...	0 0 1			
(2.) By any petty officer, seaman, marine, or soldier serving as a marine, or by the executors or administrators of any such person, for receiving prize money or wages ...				
(3.) For the receipt of the dividends or interest of any stock :	0 1 0			

Where made for the receipt of one payment only	... ...	0 1 0
In any other case	... ...	0 5 0
(4.) For the receipt of any sum of money, or any bill of exchange or promissory note for any sum of money, not exceeding £20, or any periodical payments not exceeding the annual sum of £10 (not being hereinbefore charged) ...		5 0
(5.) For the sale, transfer, or acceptance of any of the Government or Parliamentary stocks or funds :		
Where the value of such stocks or funds does not exceed £20		0 5 0
In any other case	... ...	0 10 0
(6.) Of any kind whatsoever not hereinbefore described ...	... ...	0 10 0

Exemptions.

- (1.) Letter or power of attorney for the receipt of dividends of any definite and certain share of the Government or Parliamentary stocks or funds producing a yearly dividend of less than £3.
- (2.) Letter or power of attorney or proxy filed in the Court of Probate in England or Ireland, or in any ecclesiastical court.
- (3.) Letter or power of attorney for voting on any election of directors of the East India Company.

And see sections 102, 103, and 104.

LETTERS OF MARQUE AND REPRISAL 5 0 0

LETTERS PATENT. See GRANT.

LETTER OF REVERSION in Scotland. See MORTGAGE, &c., and section 105.

LICENCE for Marriage.

Special—

- In England or Ireland 5 0 0
- Not special—
- In England 0 10 0

LICENCE under the seal of any archbishop, bishop, chancellor, or other ordinary, or by any ecclesiastical court in England or Ireland, or by any presbytery or other ecclesiastical power in Scotland :

- (1.) To hold the office of lecturer, reader, chaplain, church clerk, chapel clerk, parish clerk, or sexton
- (2.) For licensing a building for the performance of divine service within an ecclesiastical district formed under the provisions of the New Parishes Act ...
- (3.) For licensing any chapel for the solemnisation of marriages therein, pursuant to the provisions of the Act 6 & 7 Will. 4, c. 85 ...
- (4.) For licensing or authorising any matter relating to a consecrated building or ground, or anything to be constructed, set up, taken down, or altered therein, or to be removed therefrom ...
- (5.) For any other purpose (except a licence to hold a perpetual curacy) 2 0 0

Exemptions.

- (1.) Licence granted to any spiritual person to perform divine service in any building approved by the archbishop or bishop in lieu of any church or chapel whilst the same is under repair or is rebuilding, or in any building so approved for the convenience of the inhabitants of a parish resident at a distance from the church or consecrated chapel.
- (2.) Licence to a stipendiary curate, wherein the annual amount of the stipend is specified.

	£ s. d.	£ s. d.
(3.) Licence for the purpose of authorising or enabling any person to preach or exercise any other spiritual function, not being a licence to hold the office of lecturer, reader, or chaplain, and there being no salary or emolument for or attached to the exercise of the function for which such licence is granted.		ORDER for the payment of money. See BILL OF EXCHANGE and section 48.
LICENCE to act as a notary public. See FACULTY.		PARTITION or DIVISION—Instruments effecting.
LICENCE to use surname or arms. See GRANT.		In the case specified in section 94, see that section. In any other case 0 10 0
MARRIAGE CONTRACT. See SETTLEMENT.		PASSPORT 0 0 6
MARRIAGE LICENCE. See LICENCE.		PERPETUAL CURACY. See APPOINTMENT, &c., to Ecclesiastical Benefices.
MEMORIAL to be registered pursuant to any Act of Parliament, made or to be made, for the public registering of deeds and conveyances in England or Ireland:		POLICY OF INSURANCE—
Where the instrument registered is chargeable with any duty not amounting to 2s. 6d.		(1.) Upon any life or lives, or upon any event or contingency relating to or depending upon any life or lives (except for the payment of money upon the death of any person only from accident or violence, or otherwise than from a natural cause):
The same duty as the registered instrument.		Where the sum insured does not exceed £10 0 0 1
In any other case 0 2 6		Exceeds £10, but does not exceed £25 0 0 3
MORTGAGE, BOND, DEBENTURE, COVENANT, WARRANT OF ATTORNEY to confess and enter up judgment, and FOREIGN SECURITY of any kind.		Exceeds £25, but does not exceed £500:
(1.) Being the only or principal or primary security for—		For every full sum of £50 and also for any fractional part of £50 of the amount insured ... 0 0 6
The payment or repayment of money not exceeding £25 0 0 8		Exceeds £500, but does not exceed £1,000:
Exceeding £25 and not exceeding £50 0 1 3		For every full sum of £100, and also for any fractional part of £100, of the amount insured ... 0 1 0
,, 50 „ 100 0 2 6		Exceeds £1,000:
,, 100 „ 150 0 3 9		For every full sum of £1,000, and also for any fractional part of £1,000, of the amount insured. 0 10 0
,, 150 „ 200 0 5 0		(2.) For any payment agreed to be made upon the death of any person, only from accident or violence, or otherwise than from a natural cause, or as compensation for personal injury, or by way of indemnity against loss or damage of or to any property 0 0 1
,, 200 „ 250 0 6 3		And see sections 117, 118, and 119.
,, 250 „ 300 0 7 6		POWER OF ATTORNEY. See LETTER OF ATTORNEY.
For every £100, and also for any fractional part of £100, of such amount 0 2 6		PRECEPTE OF CLARE CONSTAT to give seisin of lands or other heritable subjects in Scotland ... 0 5 0
(2.) Being a collateral, or auxiliary, or additional, or substituted security, or by way of further assurance for the above-mentioned purpose, where the principal or primary security is duly stamped:		PRESENTATION to any ecclesiastical benefice, dignity, or promotion. See APPOINTMENT, &c., to Ecclesiastical Benefices.
For every £100, and also for any fractional part of £100, of the amount secured 0 0 6		PROCURATION, deed, or other instrument of ... 0 10 0
(3.) TRANSFER, ASSIGNMENT, DISPOSITION, or ASSIGNATION of any mortgage, bond, debenture, covenant, or foreign security, or of any money or stock secured by any such instrument, or by any warrant of attorney to enter up judgment, or by any judgment:		PROMISSORY NOTE. See BANK NOTE, BILL or EXCHANGE, and section 49.
For every £100, and also for any fractional part of £100, of the amount transferred, assigned, or disposed 0 0 6		PROTEST of any bill of exchange or promissory note:
And also where any further money is added to the money already secured—		Where the duty on the bill or note does not exceed 1s. The same duty as the bill or note.
The same duty as a principal security for such further money.		In any other case 0 1 0
(4.) RECONVEYANCE, RELEASE, DISCHARGE, SURRENDER, RESURRENDER, WARRANT TO VACATE, or RENUNCIATION of any such security as aforesaid, or of the benefit thereof, or of the money thereby secured:		And see section 116.
For every £100, and also for any fractional part of £100, of the total amount or value of the money at any time secured 0 0 6		PROXY. See LETTER OR POWER OF ATTORNEY.
And see sections 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115.		RECEIPT given for, or upon the payment of, money amounting to £2 or upwards 0 0 1
MUTUAL DISPOSITION or Conveyance in Scotland. See EXCHANGE or EXCAMBION.		Exemptions.
NOTARIAL ACT of any kind whatsoever (except a protest of a bill of exchange or promissory note, or any notarial instrument to be expedited and recorded in any register of sasines) 0 1 0		(1.) Receipt given for money deposited in any bank, or with any banker, to be accounted for and expressed to be received of the person to whom the same is to be accounted for.
And see PROTEST, SEISIN, and section 116.		(2.) Acknowledgment by any banker of the receipt of any bill of exchange or promissory note for the purpose of being presented for acceptance or payment.
		(3.) Receipt given for or upon the payment of any Parliamentary taxes or duties, or of money to or for the use of her Majesty.
		(4.) Receipt given by the Accountant-General of the Navy for any money received by him for the service of the navy.
		(5.) Receipt given by any agent for money imprest to him on account of the pay of the army.
		(6.) Receipt given by any officer, seaman, marine or soldier, or his representa-

	£ s. d.	£ s. d.
tives, for or on account of any wages, pay or pension, due from the Admiralty or Army Pay Office.		
(7.) Receipt given for the consideration money for the purchase of any share in any of the Government or Parliamentary stocks or funds, or in stock of the East India Company, or in the stocks and funds of the Secretary of State in Council of India, or of the governor and company of the Bank of England, or of the Bank of Ireland, or for any dividend paid on any share of the said stocks or funds respectively.		writing, made under or in pursuance of any Act of Parliament, and deposited or kept for reference in any registry, or in any public office, or with the public books, papers, or writings of any parish.
(8.) Receipt given for any principal money or interest due on an exchequer bill.		SCRIPT CERTIFICATE OR SCRIP. See LETTER OF ALLOTMENT.
(9.) Receipt written upon a bill of exchange or promissory note duly stamped.		SEISIN. Instrument of seisin given upon any charter, precept of clare constat, or precept from chancery, or upon any wadset, heritable bond, disposition, apprising, adjudication or otherwise of any lands or heritable subjects in Scotland not of burgage tenure ... 0 5 0
(10.) Receipt given upon any bill or note of the governor and company of the Bank of England or the Bank of Ireland.		And any NOTARIAL INSTRUMENT to be expedited and recorded in any register of sasines... 0 5 0
(11.) Receipt indorsed or otherwise written upon or contained in any instrument liable to stamp duty, and duly stamped, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured or therein mentioned.		SETTLEMENT. Any instrument, whether voluntary or upon any good or valuable consideration, other than a bona fide pecuniary consideration, whereby any definite and certain principal sum of money (whether charged or chargeable on lands or other hereditaments or heritable subjects, or not, or to be laid out in the purchase of lands or other hereditaments or heritable subjects or not), or any definite and certain amount of stock, or any security, is settled or agreed to be settled in any manner whatsoever: For every £100, and also for any fractional part of £100 of the amount or value of the property settled or agreed to be settled 0 5 0
(12.) Receipt given for drawback or bounty upon the exportation of any goods or merchandise from the United Kingdom.		Exemption.
(13.) Receipt given for the return of any duties of customs upon certificates of over entry.		Instrument of appointment relating to any property in favour of persons specially named or described as the objects of a power of appointment, created by a previous settlement stamped with ad valorem duty in respect of the same property, or by will, where probate duty has been paid in respect of the same property as personal estate of the testator.
(14.) Receipt indorsed upon any bill drawn by the Lords Commissioners of the Admiralty, or by any person under their authority, or under the authority of any Act of Parliament upon and payable by the Accountant-General of the Navy.		And see sections 124, 125, and 126.
And see sections 120, 121, 122, and 123.		SHARE WARRANT issued under the provisions of the Companies Act, 1867.
RECONVEYANCE, RELEASE, OR RENUNCIATION OF any security. See MORTGAGE, &c.		See section 33 of that Act, CONVEYANCE ON SALE, and section 127 of this Act.
RELEASE OR RENUNCIATION of any property, or of any right or interest in any property—		SURRENDER—
Upon a sale. See CONVEYANCE ON SALE.		Of copyholds. See COPYHOLD.
By way of security. See MORTGAGE, &c.		Of any other kind whatsoever not chargeable with duty as a conveyance on sale or mortgage ... 0 10 0
In any other case ... 0 10 0		TACK OF LANDS, &c., IN SCOTLAND. See LEASE OR TACK.
RENUNCIATION. See RECONVEYANCE AND RELEASE.		TACK IN SECURITY. See MORTGAGE, &c.
RESIGNATION. Principal or original instrument of resignation, or service of cognition of heirs or charter or seisin of any houses, lands, or other heritable subjects in Scotland holding burgage, or of burgage tenure ... 0 5 0		TRANSFER. See CONVEYANCE OR TRANSFER.
And instrument of resignation of any lands or other heritable subjects in Scotland not of burgage tenure ... 0 5 0		TRANSFER. Any request or authority to the purser or other officer of any mining company, conducted on the cost book system, to enter or register any transfer of any share, or part of a share, in any mine, or any notice to such purser or officer of any such transfer ... 0 0 6
REVOCATION of any use or trust of any property by deed, or by any writing, not being a will ... 0 10 0		And see section 128.
SCHEDULE INVENTORY, or document of any kind whatsoever, referred to in or by, and intended to be used or given in evidence as part of, or as material to, any other instrument charged with any duty, but which is separate and distinct from, and not indorsed on or annexed to, such other instrument:		VALUATION. See APPRAISEMENT.
Where such other instrument is chargeable with any duty not exceeding 10s.		VOTING PAPER. Any instrument for the purpose of voting by any person entitled to vote at any meeting ... 0 0 1
The same duty as such other instrument.		And see section 102.
In any other case ... 0 10 0		WADEET. See MORTGAGE, &c.
Exemptions.		WARRANT OF ATTORNEY to confess and enter up a judgment given as a security for the payment or repayment of money, or for the transfer or re-transfer of stock.
(1.) Printed proposals published by any corporation or company respecting insurances, and referred to in or by any policy of insurance issued by such corporation or company.		See MORTGAGE, &c.
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27. Affidavits and declarations, how to be made.

CAP. XCIX.

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CAP. C.

An Act to amend the law relating to the repayment to the Consolidated Fund of money expended for the benefit of Greenwich hospital.

[10th August, 1870.]

CAP. CI.

An Act for amending the sixth section of the Pensions Commutation Act, 1869. [10th August, 1870.]

CAP. CII.

An Act to amend the law relating to the taking of oaths of allegiance on naturalization.

[10th August, 1870.]

33 & 34 Vict. c. 14.] Whereas it is expedient to amend the law relating to the taking of oaths of allegiance under the Naturalization Act, 1870:

Be it enacted, &c.

1. *Regulations as to oaths of allegiance.*] The power of making regulations vested in one of Her Majesty's Principal Secretaries of State by the Naturalization Act, 1870, shall extend to prescribing as follows:—
 - (1.) The persons by whom the oaths of allegiance may be administered under that Act:
 - (2.) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested:
 - (3.) The registration of such oaths:
 - (4.) The persons by whom certified copies of such oaths may be given:
- (5.) The transmission to the United Kingdom for the purpose of registration or safe keeping, or of being produced as evidence of any oaths taken in pursuance of the said Act out of the United Kingdom, or of any copies of such oaths, also of copies of entries of such oaths contained in any register kept out of the United Kingdom in pursuance of this Act:
- (6.) The proof in any legal proceedings of such oaths:
- (7.) With the consent of the Treasury, the imposition and application of fees in respect of the administration or registration of any such oath.

The two last paragraphs in the eleventh section of the Naturalization Act, 1870, shall apply to regulations made under this Act.

2. *Penalty on making false declaration.*] An person wilfully and corruptly making or subscribing any declaration under the Naturalization Act, 1870, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour, and be liable to imprisonment with or without hard labour for any term not exceeding twelve months.

3. *Construction and short title of Act.*] This Act shall be termed the Naturalization Oath Act, 1870, and shall be construed as one with the Naturalization Act, 1870, and may be cited together with that Act as the Naturalization Act, 1870.

CAP. CIII.

An Act to continue various expiring laws. [10th August, 1870.]

CAP. CIV.

An Act to facilitate compromises and arrangements between creditors and shareholders of joint stock and other companies in liquidation.

[10th August, 1870.]

Whereas it is expedient to amend the law relating to the liquidation of joint stock and other companies:

Be it enacted, &c.

1. *Short title.*] This Act may be cited as "The Joint Stock Companies Arrangement Act, 1870."

2. *Where compromise proposed Court of Chancery may order a meeting of creditors, &c. to decide as to such compromise.*] Where any compromise or arrangement shall be proposed between a company which is, at the time of the passing of this Act or afterwards, in the course of being wound up, either voluntarily or by or under the supervision of the Court, under the Companies Acts 1862, and 1867, or either of them, and the creditors of such company, or any class of such creditors, it shall be lawful for the Court, in addition to any other of its powers, on the application in a summary way of any creditor or the liquidator, to order that a meeting of such creditors, or class of creditors shall be summoned in such manner as the Court shall direct, and if a majority in number representing three fourths in value of such creditors or class of creditors present either in person or by proxy at such meeting shall agree to any arrangement or compromise, such arrangement or compromise shall, if sanctioned by an order of the Court, be binding on all such creditors or class of creditors, as the case may be, and also on the liquidator and contributories of he said company.

3. *Interpretation.*] The word "company" in this Act shall, mean any company liable to be wound up under "The Companies Act, 1862."

4. *Act and Companies Act to be read together.*] This Act shall be read and construed as part of "The Companies Act, 1862."

CAP. CV.

An Act for appointing a commission to inquire into the alleged prevalence of the truck system, and the disregard of the Acts of Parliament prohibiting such system, and for giving such commission the powers necessary for conducting such inquiry.

[10th August, 1870.]

CAP. CVI.

An Act to amend the Sanitary Act, 1866, so far as relates to the City of Dublin. [10th August, 1870.]

CAP. CVII.

An Act for taking the census of England.

[10th August, 1870.]

CAP. CVIII.

An Act for taking the census in Scotland.

[10th August, 1870.]

CAP. CIX.

An Act to abolish certain real actions in the superior courts of common law in Ireland, and further to amend the procedure in the said courts; and for other purposes.

[10th August, 1870.]

CAP. CX.

An Act to provide for the administration of the law relating to matrimonial causes and matters, and to amend the law relating to marriages in Ireland.

[10th August, 1870.]

CAP. CXI.

An Act to make provision in relation to certain beer-houses not duly qualified according to law.

[10th August, 1870.]

Whereas in misapprehension of the provisions of an Act passed in the third and fourth years of the reign of her present Majesty, chapter sixty-one, licences and certificates for the sale of beer and cider have been granted in respect of houses not duly qualified as by the first section of the said Act is required:

Be it enacted, &c.

1. *Rating qualification and closing hours of beerhouses within townships where separate poor-rate is or can be made.*] A dwelling-house, if situated within the township for which a separate poor-rate is or can be made, or within a hamlet for which a separate poor-rate is or can be made, shall for the purpose of determining by reference to population, in accordance with the first and fifteenth sections respectively of the said Act, the rating qualification and the closing hour applicable to such house as a house for the sale of beer or cider, be deemed to be within such township or hamlet, as the case may be, and not within any larger area of which such township or hamlet forms a part.

2. *Restricted application of Act.*] This Act shall apply exclusively to houses in respect of which licences under Acts to permit the general sale of beer and cider by retail in England are in force at the time of the passing of this Act, and to such houses so long only as such licences or any renewal thereof shall remain in force.

3. *Short title.*] This Act may be cited for all purposes as "The Beerhouse Act, 1870."

CAP. CXII.

An Act to amend the Act of the first and second years of the reign of his late Majesty King William the Fourth, chapter thirty-three, in part, and to afford facilities for obtaining loans for the erection, enlargement, and improvement of glebe houses, and for the acquirement of lands for glebes in Ireland.

[10th August, 1870.]

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